California Journal
The Monthly Analysis of State Government and Politics
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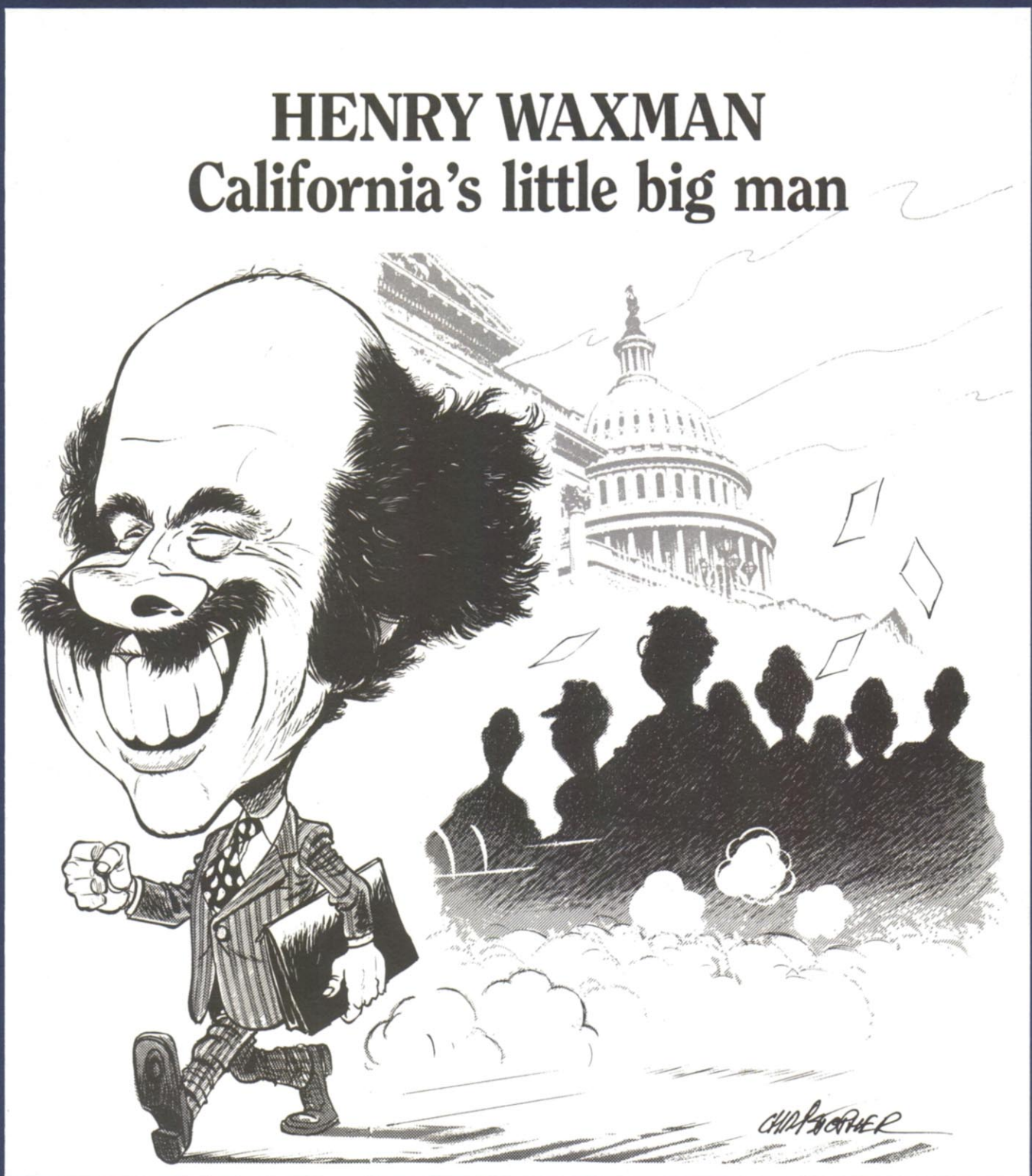
HENRY WAXMAN
California's little big man



Hot Senate races:
Silent issue against Robbins
Combat along the Gold Coast

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The election campaigns of 1982 are still far from over, and already Contra Costa County is abuzz over a possible Democratic primary matchup for June of 1984: incumbent Dan Boatwright versus challenger Sunne Wright McPeak for the state Senate. McPeak is a popular county supervisor with the kind of pizzazz to give Boatwright fits. But will she jump into the blood bath?

Remember Tom Suitt, the former Democratic assemblyman from Palm Springs way who originally won a spot on the November 1974 ballot by the write-in route? Suitt, who ran into drinking problems in Sacramento and was defeated after a couple of terms, is now trying a political comeback. He is running for the Riverside County board of supervisors. Republicans think they have a good chance of duplicating the Suitt write-in feat by winning an Assembly seat for Kate Nyegaard of Modesto, who qualified by write-in for a crack at Democrat Gary Condit for the Assembly seat being vacated by farmer John Thurman.

Blue-tail Jerry

Randy Hamilton, dean of the Graduate School of Public Administration at Golden Gate University in San Francisco, thinks Californians ought to see how Jerry Brown was satirized at the annual Gridiron Dinner in Washington, D.C. The following should be sung to the tune of *Blue-tail Fly:*

I switched from priest to pol-i-tics
When Ron beat Dad in six-ty-six.
My Sen-ate hopes were ri-din' high,
Till bit-ten by the Old Med Fly.

***CHORUS:** Gov-nor Brown, the flakes a-dore,*
Sen-a-tor Brown, the next great score.
Pres-i-dent Brown in eight-y four:
My fam-ly des-ti-ny,

Sam Ha-ya-ka-wa's gone to sleep,
And Bar-ry Ju-nior's not too deep.
No Mau-reen Rea-gan can de-fy
The man who licked the Ol' Med Fly.

***CHORUS:** Gov-nor Brown, the flakes a-dore,*
Sen-a-tor Brown, the next great score.
Pres-i-dent Brown in eight-y four:
The moon-beam no-mi-nee.

I'm fa-mous all a-round the Bay
For sa-ving fruits from tox-ic spray.
All e-ne-mies I'll ste-ri-lize,
For who can swat the Lord of Flies?

***CHORUS:** Gov-nor Brown, the flakes a-dore,*
Sen-a-tor Brown, the next great score.
Pres-i-dent Brown in eight-y four:
There ain't no flies on me.

The firm that managed the campaign against the Peripheral Canal, Russo-Watts of Sacramento, has been hired to defeat the water-conservation initiative on the November ballot. Some of the Southern California corporate giants who favored the Peripheral Canal swallowed hard but were convinced by farm interests that they shouldn't hold a grudge against Sal Russo and Doug Watts.

Jack Bentley, the pollster who hit the state's two major races on the head, had forecast a 55-45 victory for George Nicholson over Dave Stirling for the Republican nomination for attorney general. Nick won, 67-33. Why was Bentley so far off? His explanation: "Basically it was a race of the unknowns. Our don't-know factor was always so high that I felt uneasy. At one point Nicholson had a 2-to-1 lead; we measured it later, a 4-to-1 lead; and then we saw what apparently was Stirling closing near the end. I feel as if the ballot designation of Nicholson, when the voter went into the polling booths at the last minute, was too much of an obstacle for an unknown to overcome, even against another unknown."

Assembly candidate Steve Bailey (running against Democratic incumbent Norm Waters in the foothills east of Sacramento) is the son-in-law of former state Senator John Briggs.

Columnist Eli Setencich of the *Fresno Bee* reports that Mayor Dan Whitehurst of Fresno, a losing candidate for the U.S. Senate, was informed by press aide Mike Hartman that he had carried the San Joaquin Valley. Whitehurst's response: "Put that in your Peripheral Canal."

Among the contributors to a fund-raising function conducted by the Democratic League of San Francisco was The Happy Hooker Bait and Tackle Shop.

Beverly E. Carlsen of Newport Beach found a delightful typographical error in the state's largest newspaper: "As if to make up for the lack of debate and controversy that have traditionally made Democratic conventions savory and exciting, the delegates pantied as hard as they could."

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PRESIDENT AND PUBLISHER
Thomas R. Hoeber

EDITOR
Ed Salzman

MANAGING EDITOR
Alice Nauman

ART DIRECTOR
Chris Van Overloop

ADVERTISING & CIRCULATION
Barbara Aguirre

WASHINGTON CORRESPONDENT
Leo Rennert

CONTRIBUTING ARTISTS
Paul Duginski, John Palmer

STAFF: Hope Tuttle, Mary E. Gillis, Robin G. Robinson

TELEVISION PRODUCTION
Joan Reiss

COUNSEL: Conrad Lee Klein

AUDITORS
Arthur Young & Company

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Personal
PERSPECTIVE
By Ed Salzman

Don't blame the hatchet

Chairman Tom Houston of the state Fair Political Practices Commission claims California voters this year have been subjected to "an unparalleled level of false, misleading and personal-attack type of advertising." Houston, who is rather young, may be exaggerating a bit. How about Richard Nixon's red-baiting of Helen Gahagan Douglas and Jerry Voorhis? Or the vicious attack on gubernatorial candidate Upton Sinclair?

Dirty tricks are nothing new to California politics. But there is a significant difference between the smears of a generation or two ago and those of the computer era: the use of sophisticated direct mail. What defense is there from a letter that arrives in the home only a day or two before an election? How does an Art Torres cope with a mailer that suggests he is not really married to the mother of his two children? (Does he send out a letter saying, "I am too married to Yolanda Nava"?) How does a Frank Barbaro respond to a mailer that calls him Francisco Barbaro? (Does he reply, "I am not a Latino"?) How does an opponent of Johnnie Crean cope with a mailer that accuses him of facing charges that range from fraud to conspiracy to perjury — when the charges were leveled only by one Johnnie Crean? (Does he say, "I am innocent of voter fraud, tax fraud, conspiracy and perjury"?)

After the primary, it became apparent that the dirty tricks were most noticeable in campaigns managed by Butcher-Forde of Orange County (long known as the dirty tricks capital of California) and on behalf of candidates supported by Senate President pro Tempore David Roberti. Butcher-Forde passed the buck to their client-candidates, saying the candidates wanted even dirtier tactics used. Roberti denied that he or aide Jerry Zanelli had personally fallen into the gutter.

In one sense, Butcher-Forde is absolutely right: The blame should be put on the candidates themselves. If they approve of thug tactics, they must be called to account. You don't blame the hatchet when someone has been brutalized by a hatchetman. The buck stops with the candidate. Assemblyman Art Agnos has been pushing legislation to punish offenders with removal from office. But as the putrid primary of '82 fades into memory, the pressure for tough laws will dissipate — until the next batch of candidates get hit with deceptive literature.

The Fair Political Practices Commission was created eight years ago to remove the stench from the California political system. The 1974 act may have had some beneficial effects, but it certainly has prevented neither an escalation in the cost of elections nor an epidemic of outrageous mailings.

To be effective, a cleanser must be tough, decisive and rapid — and it must be aimed at the candidates themselves. What's wrong with the establishment of a special tribunal to hear charges of dirty tricks during the campaign season? Perhaps three judges, retired appellate justices for example, could be assigned by the Supreme Court to travel into any district, examine evidence and hear arguments.

Within hours, the special tribunal could hand down a decision. A guilty candidate would be punished, and among the possible sentences would be disqualification from holding office. This kind of political capital punishment ought to become a strong deterrent to California's growing gang of character assassins.

ROSTRUM

Short letters from subscribers are encouraged.

Matching dollars

Why do we not enact legislation that would make it mandatory for every candidate, for any office, to make contributions from his/her campaign chest to the general fund of the appropriate jurisdiction in which he/she is running? The amount would be equal to that candidate's campaign expenditures.

Progress payments would be required at appropriate periods during the campaign, and complete payments would have to be rendered before a winning candidate could assume office.

I never remember any candidate for any office who did not claim to want to do something for the people. This seems to be an opportunity to accomplish this universally expressed goal — up front and regardless of the personal results of any race.

JOHN J. HEINSIUS
Modesto

Crime politics

In March you published a (Personal Perspective) column which dealt with the issue of crime politics. The article stated that politicians have recently discovered the fact that crime was the foremost concern of California voters and that the hot crime issue for 1982 would be efforts directed at keeping felons out of the community.

While this is essentially correct, I would like to point out that the efforts of the Sacramento Police Department have been directed at the disproportionate number of parolees released and/or transferred to Sacramento from other counties and the increasing number of vicious crimes committed by those parolees. After a lengthy investigation, the Department of Corrections conceded that Sacramento County was receiving a disproportionate number, and developed a policy which returns parolees to the county of commitment . . .

The city of Sacramento and I have tried to stress that crime is a concern for everyone, regardless of their political persuasion . . . The issue of crime is not a political issue for me and I sincerely hope that any statements I have made or will make in the future will not be considered as political rhetoric . . .

JOHN P. KEARNS
Chief of Police,
City of Sacramento

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Wee Henry Waxman, the new power in the House

By MICHELE WILLENS

The biggest winner in California's 1982 election season may turn out to be Democratic Congressman Henry Waxman from Los Angeles' 24th District. While his own re-election is a foregone conclusion, Waxman's support of other candidates has been crucial in their nominations and probable success in November. The end result will be enhancement of Waxman's already significant power, both in the House of Representatives and his home state.

Congressman Waxman is 43 years old, short, balding, with a dark mustache, dark hair and a toothy grin. In Washington he has carved an impressive record since first elected in 1974, especially on issues involving health care. But it is his political, not legislative, clout which is chiefly responsible for Waxman's reputation as California's "little big man."

And there is the controversial "Berman-Waxman connection" which — much to Waxman's disappointment — has brought him more notoriety than his activities on Capitol Hill. With Assemblyman Howard Berman, Berman's younger brother Michael, Assemblymen Mel Levine and Herschel Rosenthal and a few others, Waxman has formed a coalition to put muscle and money behind candidates of similar politics -- with the understanding that those candidates will be loyal allies once in office. Their strength has grown, especially in Los Angeles, to the point where they now can keep potential rivals out of their territory.

Levine and Berman are sure winners for congressional seats in November. Other Berman-Waxman-backed candidates include Esteban Torres and Marty Martinez, both likely winners of House seats in Los Angeles County, and Jim Bates, a San Diego supervisor turned congressional candidate. Phil Burton and Rick Lehman, candidates for Congress in Northern California, have also been supported by Berman-Waxman.

With this troop of like-minded colleagues, Waxman will be a force to reckon with in the 45-member California delegation. He admits the prospect of working with others he has known and helped through the years is a pleasing one. And his help extends beyond the state's delegation: Through an unusual personal political action committee, Waxman gives money to Democratic congressional candidates around the country, to help them either attain or retain office. While Waxman concedes that such aid helps him persuade vulnerable colleagues to vote his way, he insists helping others is a moral responsibility. "I just feel when I can help a colleague who shares my views, but has a tough fight and little money, that I have to do it," says Waxman.

The congressman's closest adviser, Howard Elinson, enlarges on Waxman's motives: "He felt that since he never has a tough re-election fight, but has access to money and is next door to places like Beverly Hills, that it was a good way to help others whose cooperation and attention he might want."

Michele Willens is a free-lance writer in Los Angeles and a regular contributor to the Journal.

That, of course, has been the theme of the Berman-Waxman operation in California. Its players hate the term "machine" and prefer to see themselves as principled old friends. "The whole machine thing has been overblown," says Waxman. "People think of machines in terms of patronage and corruption. We are basically people who have been friends many years, who share politics and views and the belief that we're more effective when we work together."

This year, the image of the coalition suffered when Michael Berman formed a commercial consulting firm with former Ken Cory aide Carl D'Agostino. Their direct-mail efforts for some primary candidates raised questions because they offered endorsements on slate-mailers for hefty prices. (The state Fair Political Practices Commission has announced that it will investigate the general issue of slate-mailers.)

Michael Berman has always been a hard-ball campaigner and a specialist at targeted mailing, but until this year he usually operated behind the scenes. (The Berman-D'Agostino firm calls itself BAD Campaigns, a label some Berman-Waxman insiders consider in poor taste.) His venture into the up-front world of professional campaign management is theoretically separate from the campaign support given by brother Howard and Waxman, Levine and Rosenthal — but most of their candidate choices are identical. For example, the primary campaign in which they invested most of their effort was that of Burt Margolin, who defeated Wallace Albertson for a Los Angeles Assembly nomination.

Margolin, 31 and virtually unknown, has been Waxman's top Washington aide for years. His substantial victory over the better-known and well-funded Albertson was due partly to his imposing list of endorsements led by, and largely arranged by, Henry Waxman. Albertson claims, however, that she lost because of the mailings put out by

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Always a leader

Louis Waxman, a former union man and a staunch New Dealer, recalls that his son Henry was always a leader. "When he was in junior high school, the boys' vice president called Henry into his office and told him he could get all the school awards but that, to be fair, he should choose just one."

Waxman attended UCLA and UCLA Law School, was a leader in Students for Stevenson in 1960 and was active in California's Young Democrats. He quickly established himself as a leader of its liberal caucus. "The YDs were very polarized in those days," he recalls. "The fights were between those of us more liberal and those who were more the party-hack types, like Jesse Unruh and Bob Moretti. We eventually took control of the organization. I became president of the YDs in 1965 and a fellow named David Roberti was my county chairman." (Waxman laughs, since Senate Speaker pro Tem Roberti is now a vocal opponent of the Berman-Waxman operation.)

Howard Berman succeeded Waxman as Young Democrats president, and a close friendship was forged. Berman and his brother ran Waxman's first campaign for the Assembly. At the time, Michael was not old enough to vote. Howard Berman later followed Waxman's career path to Sacramento.

As an assemblyman from 1969 to 1974, Waxman played a key role in helping elect other Democrats. That was his first taste of what a Berman-Waxman operation could do, and the results were significant in 1970. In that year the Legislature was returned to a Democratic majority by a few votes. That prevented Governor Ronald Reagan and the Republicans from controlling the reapportionment process in 1971. Waxman was rewarded for his performance by being named chairman of the Reapportionment Committee.

Michael Berman, who ran the Margolin campaign.

"I'm filing charges with the FPPC because they ran a racist, smear campaign against me," Albertson says. "They implied I was an anti-Semite and a PLO sympathizer. I have no respect for any of them, including Henry Waxman, since he is the machine. I think he's been a fine legislator, but their methods are despicable. I'm going to exhaust every avenue to see them punished."

The Margolin-Berman-Waxman group do not feel the letters carrying their signatures smeared Albertson. They say they saw nothing wrong with informing voters that her original campaign consultants also had worked for people like conservative state Senators John Briggs and John Schmitz. They also point out that most of Albertson's letters harshly attacked Margolin as being a young out-of-towner in search of a district, and a product of the "Berman-Waxman Machine."

There is little question but that the Berman-Waxman group enjoys the backroom wheeling and dealing of politics. That was clear from their virtual manipulation of Los Angeles' West Side primaries this year, making sure they had friendly allies in nearly every race — but never two opposing each other.

Waxman may be the most removed from the group's activities — at least physically — but he is the leader who commands the most respect from the most places. Three examples:

- **Besides raising** money for various Democrats this year, he also worked at lining up key union support for his favored candidates.
- **In the case** of Esteban Torres, Waxman got the entire California congressional delegation to take the rare step of endorsing Torres. That was the neutralizing — and probably decisive — factor in Torres' defeat of Jim Lloyd, a former Democratic congressman who had planned to use his past associations in Congress as a campaign asset.
- **When Tom Hayden** was anxiously awaiting an endorsement for his Assembly campaign from the Berman-Waxman people, it was made clear that the meeting could not be held until Waxman returned from Washington several weeks later.

Still, Waxman is generally regarded as the most likable of the coalition's leaders. "Howard and Michael Berman are seen as the backroom, manipulative types," admits Elinson. "Henry is widely perceived as being softer-hearted — and it is true."

Howard Berman takes issue with his image but understands why it has developed. "My primary interest has always been legislative," he says. "The part I enjoy most is the shaping and defeating of legislation. But I suppose my year-long battle for the Assembly speakership, and my brother's image, have affected mine."

Waxman agrees. "I feel badly if people have that view of Howard Berman," he says. It's due to the misunderstanding of why he challenged Leo McCarthy for the speakership. He was fighting for the Democratic Party — he was sure McCarthy would have let the Republicans take over the Assembly because he was into his own campaign."

The secret ingredient

Berman is probably Waxman's closest personal friend, but Howard Elinson may be the secret ingredient in the Berman-Waxman success story. Elinson tries to remain out of the public eye. A former sociology professor who met Waxman at UCLA, he has worked for Waxman since he first ran for office. Elinson is virtually the congressman's alter ego. When talking about Waxman, he usually says, "We thought this" and "We feel that."

Those inside Berman-Waxman say that Elinson is the most brilliant of the group. He lets the other men do the politicking, which he finds unappealing. But Elinson translates money and support into words and ideas. He has been helpful to nearly every Berman-Waxman campaign and, as Waxman's top staff member, he makes sure Waxman's activities on Capitol Hill are well-known in his district.

It is Elinson who understands Waxman's popularity and strength among his constituents, probably even better than Waxman himself. "There are two essential things in understanding Henry," Elinson says. "First, unlike most politicians, he doesn't have the need to take the pulse of the district, because he only has to take his own. He is so similar in background, education, social and political values with his constituents. When he hears about Reagan's cuts, it cuts into his heart, just as it does into the people of his district. His emotions are so strong and so in concert with his constituents' that I can't recall him ever yielding on a single issue.

"The other thing is that because Henry has been around so long and done so much, he has a certain amount of credit worked up. So even when he does take a stand that may be against the majority in his district, they usually tolerate it — for example, his stand against the death penalty, which has never wavered, and his position on decriminalizing marijuana use. He gets many letters from people saying, 'You're wrong about this, but because it's *you* . . .'

Waxman similarly took heat when he held hearings on a possibly communicable form of cancer which seems to afflict mostly homosexuals. "Hundreds of congressmen wouldn't touch that issue," says Elinson. "But Henry has always said, 'God has blessed me with a liberal district, and if

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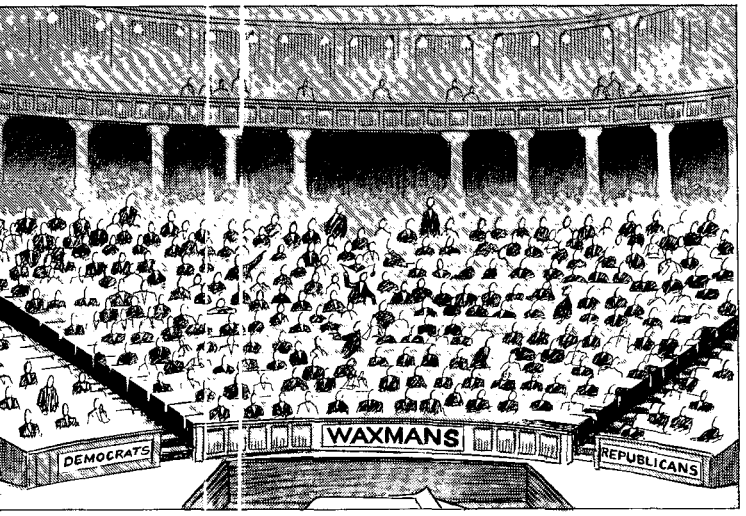

people from those districts don't speak out on these issues, we can't expect others to.' "

When Waxman went to Congress, he knew he wanted to have impact, but he also knew how difficult that is among 435 representatives. His first decision was to choose a key area, realizing that the best way to stand out is to specialize.

"Henry represents a very health-conscious district because of the huge number of senior citizens," explains Elinson. "There are also a large number of Jews, so the choice was to get into either international relations or health. We finally decided that Congress really can't deal substantively with foreign affairs, but that the real legislative actions on health do take place in Congress."

Waxman managed to get onto the Subcommittee on Health and the Environment, and is now its chairman. It is the committee's work which takes up most of his time and he has, by all accounts, been successful in improving services that affect his district. Last year and this year, he has fought to maintain programs targeted for Reagan Administration budget cuts.

"Henry is one of the dozen most effective members of the House," says Joe Beeman, the political and legislative director for the American Federation of State, County and Municipal Employees in Washington. "He's effective in support of legislation he advocates and in opposition to that he doesn't. Last year in the budget-cut debates, when most Democrats should have known better but caved in to the so-called Reagan mandate, Henry hung tough. In several cases, he singlehandedly held up the resolution until cuts he opposed were restored. He's a tough little nut to crack."

"When the budget-cut conferences broke up," wrote *Sacramento Bee* reporter Leo Rennert at the time, "Waxman had succeeded in preserving community health centers, family planning programs, migrant health centers and the National Health Service Corps. He also deflected an administration move to make deep cuts in health services for the poor under Medicaid, sparing California the loss of more than $1 billion in federal support over the next three years."

Waxman has also continued to speak out for Israel, never missing an opportunity to turn colleagues around. "Henry's approach is always education first," says Elinson. "He'll have lunch with other congressmen and will say, 'You know I'm a strong supporter of Israel, but let's just look at the facts. What are everyone's goals in the conflict?' Most of those people have an elementary-school knowledge of the Mideast, so they are willing to listen to someone who has done his homework."

These are tough times for Israel's supporters on Capitol Hill, and Waxman admits part of the problem has been Prime Minister Menachem Begin's lack of charm and gratitude in selling his case to the American people. Waxman bemoans the loss of life in the Lebanon invasion but insists that if the end result is an independent Lebanon and the elimination of the PLO, it will have been worth it.

Waxman clearly relishes the prospects of being joined by close friends and allies in the House next year. "I think these new additions will offer a tremendous opportunity for the California delegation to have impact," he says. "What I love about politics is putting together coalitions that can get things done. I have a great disdain for liberals who think it's enough just to cast a negative vote. I think with more unity and with new people who have had strong legislative experience, our delegation will have more clout. It will be much better for California if we can come together on things like preserving the Clean Air Act and getting more federal assistance for Vietnamese refugees who are mostly settling in our state."

The friendly company will be particularly welcome because liberal Democrats are definitely on the defensive in the Reagan years. "It's a maddening time for someone like me who loves to legislate," Waxman admits. "All I'm doing is going around trying to save programs since there is no chance of initiating any new ones. We're in a holding pattern, waiting for a Democratic administration."

What will be the next step in Waxman's career? Some associates say he is gradually making his way up to speaker of the House, but Waxman says that is not the job for him. "Right now I'm in a position I never thought I'd be in. I'm chairman of the committee I wanted to be part of. I want to continue to have influence to get things done, but I don't think I'd want to be speaker. It moves you away from policy and becomes a full-time political job. The only other office I'd want would be the U.S. Senate, but I'm not thinking of it right now."

California Journal student internship fund

The Frank Mesplé Internship Fund was created to help support students working for the *California Journal*. They study state and local government and politics and prepare articles for publication in the *Journal*.

The fund was created in 1979 by the *Journal's* board of directors in memory of Frank Mesplé, who had served as a government professor, legislative advocate, gubernatorial aide and wit-about-town. The purpose of the fund is to carry on Mesplé's deep commitment to the youth of California and to the democratic process.

The Frank Mesplé Fund is an endowment, the proceeds of which are used for internships; therefore your contribution goes on giving for years to come. Contributions to the fund are tax deductible.

Contributions may be sent to the Frank Mesplé Internship Fund, *California Journal*, 1714 Capitol Avenue, Sacramento, California 95814.

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A guided tour of the seven

By LILLIEANNE CHASE

For state Senator H. L. (Bill) Richardson, 1974 was a turning point. It was then that he hired Richard Viguerie, conservative direct-mail czar in Virginia, to help in his run for the U.S. Senate. Although Richardson lost that race, he learned his first lessons about the power of direct mail and computerized campaigning.

And in the years since then, the senator from Arcadia has forged a winning combination of political action groups and direct-mail fund raising. The result: a potent operation with growing political power, in California and across the country. For example:

- **In 1979-80,** his law enforcement and pro-gun committees raised nearly $3 million dollars nationwide to funnel into the state and national campaigns of conservative candidates and causes.
- **His 1977** direct-mail campaign in favor of death-penalty legislation generated 400,000 postcards to legislators and Governor Jerry Brown. It also produced a flood of 4,000 telephone calls to one legislator who was considered a swing vote on the issue.
- **His direct-mail firm,** Computer Caging Corporation, handled the California Republican Party's emergency reapportionment referendum. It gathered a half-million signatures and grossed $800,000 so that the mailing paid for itself. It also added 50,000 new names to the list of potential Republican contributors.
- **Richardson has** helped a host of Republican candidates in varying degrees, including Ed Davis, Ollie Speraw, William Baker, John Lewis and Nolan Frizelle. His most notorious success was the 1980 election of his legislative aide, John Doolittle, over Democratic state Senator Albert Rodda. Richardson also promotes conservative causes, such as anti-crime legislation, anti-gun control efforts and free-enterprise issues.

A targeted network

The Richardson operation consists of a network of multi-million dollar fund-raising PACs and a for-profit, direct-mail firm owned by Richardson which sells its services to candidates and issue groups. With these resources, Richardson recruits and finances conservative legislative candidates. Then he targets his organization's funds and political expertise on contested races in marginal districts.

It all began in 1975 with Gun Owners of California, organized to fight gun control. Within one year Gun Owners had 125,000 contributors in California and 300,000 in the country. To accommodate differences in federal and state campaign laws, Richardson set up a national PAC called Gun Owners of America.

In 1976, the fight for the passage of a death-penalty law led to the foundation of the Law and Order Campaign Committee. The firm of Steve Winchell and Associates handled its direct mailings and, according to Richardson, taught him details of the direct-mail process. Computer Caging Corporation was established initially to handle the recording of contributions to his successful fund-raising committees.

There may be more Richardson-controlled committees in the future, but his current operations include:

- **Gun Owners of California.** This organization claims a membership of about 125,000, primarily sportsmen but also, according to Executive Director Bill Saracino, "a healthy minority of non-sportsmen opposed to gun control."

Saracino, who left the staff of Los Angeles City Councilman Art Snyder in 1977 to join Gun Owners, describes the committee's constituency as "fairly non-political, one-issue voters, whose average contribution, although not necessarily given every year, is a small one of about $17." In 1981, Gun Owners of California received about $700,000 in contributions.

In keeping with state law, Gun Owners restricts its lobbying activities but works with the National Rifle Association, a pro-gun lobby which includes Richardson on its board of directors. The pro-gun PAC also works with the NRA state affiliate, the California Rifle and Pistol Association.

Saracino says his organization tries to replace incumbents who disagree with its views. "In the 1980 election, only 8 percent of our money went to incumbents," he says. "We're not going to try to change someone's mind. We'll try to replace them with someone we support, someone who fundamentally agrees with us."

- **Gun Owners of America.** Gun Owners of America is a political action committee with a national pro-gun membership. In 1979-80, the organization received $1.4 million to funnel primarily into congressional races, although occasionally the committee gets involved in a significant state or municipal race. Although Gun Owners of California and Gun Owners of America share office space across from the Capitol in Sacramento, and Saracino serves as executive director of both, they exist as separate entities.
- **Gun Owners of America, Incorporated.** Located in Washington, D.C., this organization employs a full-time lobbyist who works closely with the NRA and uses Viguerie's direct-mail firm.
- **Law and Order Campaign Committee.** The Committee made its political debut in 1976 to campaign for passage of death-penalty legislation. LOCC has a membership of about 60,000. John Feliz, an 11-year veteran of the Los Angeles police force and campaign consultant/manager for several candidates, succeeded Doolittle as executive director in 1979. The committee follows law enforcement issues, rates the sentencing records of state judges, works to defeat liberal judges, and monitors the parole policy of the Board of Prison Terms.
- **Free Market Political Action Committee.** Richardson's newest PAC, Free Market, was established in 1980 to help candidates who support free market principles. According to director Jim Grubbs, its membership includes about 400 contributors, primarily small- and medium-sized business owners. A March 1982 "Salute to Free Enterprise" fund raiser, featuring Secretary of the Interior James Watt, was held in San Francisco and Los

Lillieanne Chase is a free-lance writer in Sacramento.

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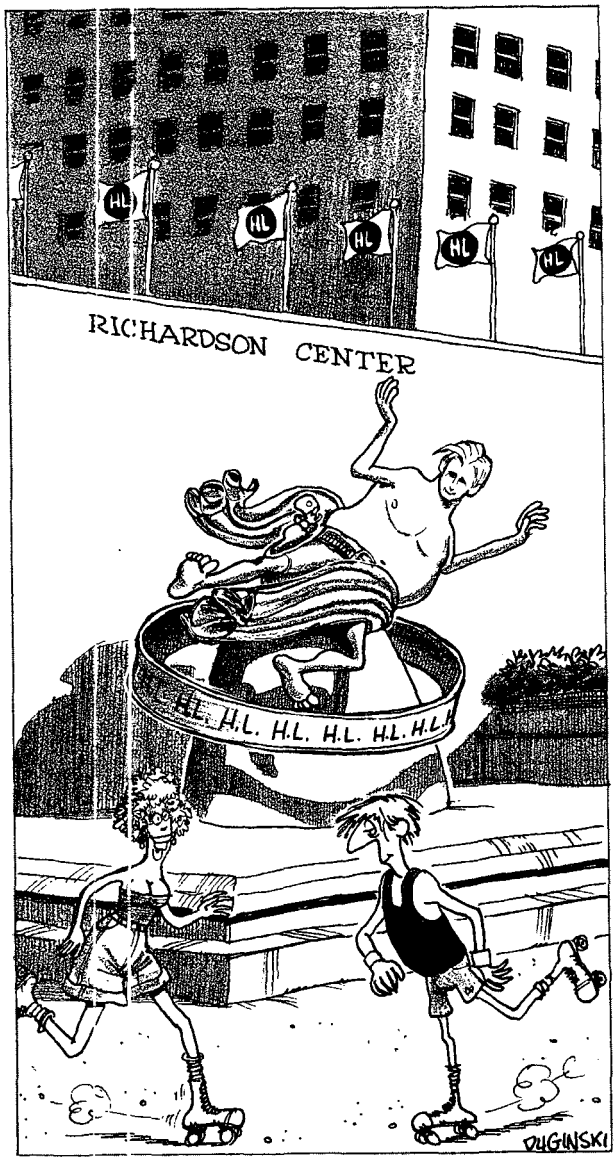

Angeles to push the PAC's membership towards its goal of 1,000 supporters.

● **Recall Rose Bird Alliance.** The Alliance was set up by Richardson in April 1982 for the single purpose of achieving the recall of Supreme Court Chief Justice Rose Bird. Director Tony Rackauckas, who is on leave from his position as Orange County deputy district attorney, was to lead the effort to gather petition signatures and campaign funds for the referendum recall. (The recall effort was dropped, however; Richardson said the reason was insufficient funds. The Alliance instead will concentrate on opposing confirmation of three state Supreme Court justices in November.

● **Computer Caging Corporation.** Richardson's direct-mail firm, was initially set up to handle the caging (collection and recording of campaign contributions) for Gun Owners and LOCC. The firm handles the caging and accounting aspects for the committees but does not handle their direct-mail campaigns. However, the company does have highly successful mail-campaign services available for candidates and issue groups. It also does some commercial work out of its offices in suburban Citrus Heights.

For candidates and issues that meet Richardson's conservative criteria, Computer Caging offers a range of services from polling and electorate analysis to design, writing and mailing of campaign letters. Wayne Johnson and Tim Macy are Richardson's key people at Computer Caging. The firm handled the Doolittle mail campaign, Mike Curb's races for lieutenant governor and governor and the petition mailings for the Republican reapportionment referendum. (The reapportionment packet was 20 pages long, including a Reagan appeal, 13 pages of referendum fine print and illustrations of district lines as drawn by the Democrats. The packet led the reader through the maze of fine print to sign on each of three separate petitions and then concluded with an appeal to the signer to affix his or her own postage stamps to save expenses for the Republican Party.)

Reaching 'like thinkers'

Richardson attributes part of his success to his ability to contact thousands of Americans primarily concerned with such issues as rising crime, social disintegration, government encroachment on their liberties, and the future of their families. "We're successful because we think differently about what motivates human beings," Richardson says. Direct mail is a method of reaching a group of people who think alike but "who have nobody to fight for them — followers without leaders," he says.

A former advertising man and commercial illustrator, Richardson's political clout also results from his lists of non-contributing conservative supporters. A successful direct-mail campaign not only raises money but also identifies non-contributing supporters. "People who agree with us on surveys but may not have money still get plugged into our computer," Richardson explains.

His organization has appeal that crosses party lines and reaches into the lower-middle and working-class constituency, unlike the big-business image which stereotypes the traditional Republican Party.

Computer Caging's Johnson, a 30-year-old former Virginian who joined Richardson in 1975, says that the conservative direct-mail firm analyzes the electorate from a new perspective. Rather than relying on distinctions of income, party affiliation, education and geography, the new conservatives identify issues that people feel strongly about. "We try to organize around intense issues that will bring them to the polls," Johnson says. "A casual opinion is not as important as an intensely held one.

"A misconception about direct mail is that you're pushing a button and creating something out of nothing," Johnson adds. "An issue has to have a popular basis. What will affect a guy's family — that's the kind of issue that the liberals may have overlooked."

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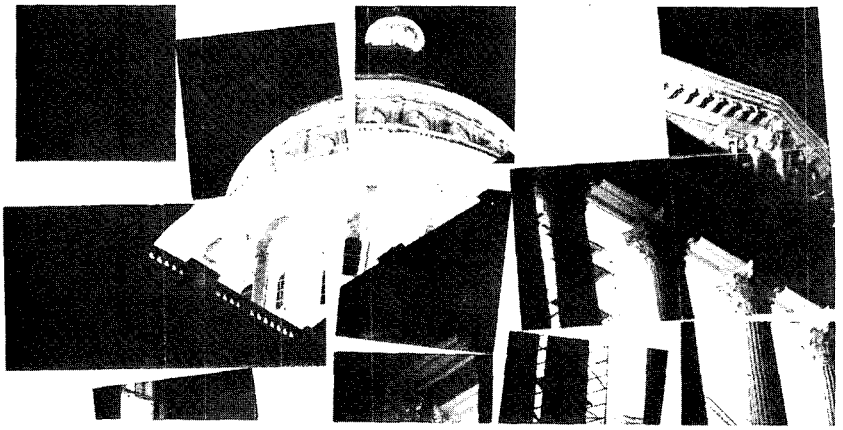

THE MESS
in Sacramento

By CHARLES McFADDEN

It's a vital ingredient in any California political campaign, ranking up there with sincerity, blow-dry hairdos and adequate refreshment for the traveling press.

It's The Mess in Sacramento.

Hardly anyone questions an assertion that there's a mess in Sacramento — a welfare mess, a Medi-Cal mess, a budget mess or all of them rolled up together in what could be called the conglomerate mess. *Some* kind of mess is always there.

Candidates simply couldn't do without a mess to run against. It provides something against which to brace rhetorical muscle. Campaigns might be livelier without a mess to run against, because political hopefuls might then be forced to address issues more specifically. But that is always a risky thing to do if you're trying not to make anyone mad at you.

The ritual involved in campaigning against the mess in Sacramento is as formalized as a minuet. First, the candidate must confirm its existence in the voters' minds. That can usually be accomplished with a few newspaper clippings describing welfare cheaters or computer foulups. Another favorite: the annual story on what kinds of automobiles state lawmakers are leasing, courtesy of the taxpayers. Once the existence of the mess is established, the candidate can proceed to the next stage in the ritual: the three-step process by which the candidate will clean up the mess. He or she will always do it by:

1. Restoring government to the people.
2. Making the bureaucracy more responsive.
3. Getting rid of the fat in government.

The last step merits a bit of explanation: There is a vast tub of governmental fat that moves from place to place in Sacramento, nimbly avoiding efforts by generations of candidates to get rid of it. It's something like the Loch Ness monster — bits and pieces of it surface occasionally in the newspapers, but no one has ever really gotten a good look at the entire thing. There have been frequent reports of an even larger tub of fat in Washington but it, too, has eluded capture for years.

Surprisingly, a promise to clean up the mess in Sacramento works as well for incumbents as it does for challengers. The incumbent technique is simple. The candidate seeking re-election asks for more time to clean up the bigger-than-expected mess encountered when he or she arrived.

If the politician is seeking higher office, he or she talks about a more generalized mess, implying that election to that higher office is necessary to get a real handle on the mess situation. The far-reaching anti-mess clout of the sought-for office is emphasized.

The main thing candidates must remember, if they're campaigning against the mess in Sacramento, is never to be too specific. They can talk about the welfare mess or the budget mess, but that's probably about as far as it's politically astute to go. Anything further can only get you bogged down in stultifying detail that is sure death in a campaign. The best thing to do is denounce the mess in Sacramento, watch everyone nod knowingly, and then say you'll clean it up.

Since Californians normally go to the polls every other year, the mess in Sacramento has an 18-month blooming cycle. Inevitably, the mess is called into service by the time campaigns are three months away from election day.

Is the mess ever likely to be cleaned up? Will it ever go away? Probably not. The type of mess talked about in campaigns will vary over the years, but it will probably be an important part of the state's political landscape indefinitely. For one thing, it's an often-used but still workable ploy for candidates anxious to capture the voters' attention. One horrendous tale of governmental bumbling per campaign usually rouses enough indignation to get some media attention and some money flowing into campaign coffers.

Finally, remember that in a curious way, we are reassured by being told there's a mess in Sacramento. It's one of the few constants in our lives. It provides a comforting yardstick against which we can measure our own circumstances, for no matter how fouled up things get at our offices, things are still pretty good compared with the mess that exists in Sacramento.

In the last analysis, then, if the mess in Sacramento didn't exist, someone, somewhere, would have to invent it.

Charles McFadden is director of university relations at California State University, Sacramento, and a former reporter for the Associated Press.

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Masterpiece Theater along the state's Gold Coast

By JERRY RANKIN

As California elections go, the Gary Hart-Chuck Imbrecht showcase showdown for the 18th Senate District could be billed as the *Masterpiece Theater* of the state's 1982 political season. If the characters of the men and their past records withstand the pressure-cooker nature of the campaign, voters should be treated to an issues-oriented, high-road competition for informed votes.

If, of course, is the operative word.

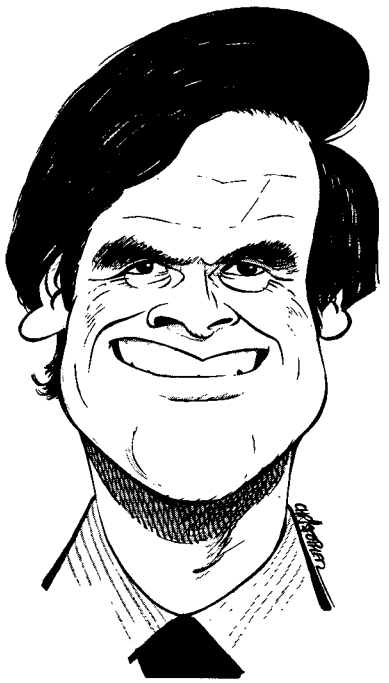
Both parties are targeting the new coastal district for maximum effort. Republicans see a clear chance to cut the 23-17 Democratic edge in the upper house Democrats can't afford to lose the seat filled for the past eight years by Omer Rains.

It could be a $1 million contest.

At a March fund-raiser for Hart attended by about 1,000 persons, Senate President pro Tem David Roberti declared that the contest will be "the major battleground throughout the state. This is the main seat to defend." He talked of funneling in $500,000 on Hart's behalf; Republicans are talking the same language. And as the primary election in some Los Angeles districts showed, when that kind of money is at hand, it is spent and the methods can be nefarious indeed.

But it isn't likely the hardball brand of politics will be played in this district, which stretches from the sand dunes and poor Chicanos of Guadalupe in northern Santa Barbara County along the coast through Santa Barbara, Ventra and Oxnard into the wealthy enclaves of Malibu and Pacific Palisades. There are also inland bulges into the San Fernando Valley suburbia of Woodland Hills, as well as into the farms and orchards of Santa Paula and Fillmore.

Part of the reason for the likely high-road campaign: The candidates don't want to play dirty. While both Hart and Imbrecht employ outside professionals for some literature and advertising, they run their own campaigns. Imbrecht says he would have nothing to do with a campaign management firm like Butcher-Forde of Orange County. "I don't think anyone has ever suggested we run a 'hit' campaign," he says.



HART

Hart has first-hand experience as the target of "hit" maneuvers. He was one of a handful of Democrats who survived a late hit piece — sent out by Republicans in 1978 under Howard Jarvis' name — attacking anti-Proposition 13 legislators.

Imbrecht does complain that one Hart piece is "filled with distortions" concerning some of his environmental votes. The environment is a crucial matter in a district in which most residents still wake up every morning to "gosh-it-feels-good" vistas of hills, valleys and ocean. But Imbrecht's complaint deals mainly with Hart's selectivity in choosing the votes and the inadequacy of one-paragraph explanations of the issue involved — tame stuff elsewhere.

The standard line on this election (other than that it is too close to call) is that the matchup never should have occurred, because — regardless of who wins — one of the Legislature's best and brightest members must lose. Each is an experienced young man of considerable charm — articulate, honest, hard-working, smart, effective and entrusted with important jobs. They are the kind of politicians who are supposed to be in the Legislature but who in fact stand out because there are so few of them.

Neither has encountered a truly competitive candidate since his first election. For Hart that was eight years ago; for Imbrecht, six. Each has managed to survive in a district of unfavorable voter registration. In fact, Hart's Democratic registration edge in the 35th Assembly District is the lowest among all incumbent Democratic Assembly members.

Each is one of the most independent members of his party. One of the most-heard comments about Imbrecht begins, "For a Republican . . . (fill in the blank with a favorable remark)" — making him sound like a sort of odd-man-out in his party. That doesn't bother him: "I'm exactly what I said I would be — an independent vote. My

Jerry Rankin is a political writer for the Santa Barbara News-Press.

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constituents come first, my party second."

Imbrecht's independence pays off at election time. Although the League of Conservation Voters endorses Hart, its spokesman Carl Pope offers a typical comment: "As Republicans go, Imbrecht is quite good. If Chuck had been running in some other place, we would probably have supported him. But he chose to run against the best person, which is sad."

A similar view but with a different result comes from Joyce Fadem, political director for the 150,000-member California Teachers Association, which endorsed Imbrecht (a lawyer) over Hart (a teacher). "Not many Republicans have a positive voting record on education," she says. "When we find one, we will back a Republican."

Imbrecht does use language infrequently heard in a party where the word "compassion" seldom surfaces. For example, in his announcement of candidacy, he carefully portrayed himself as a "fiscal conservative and a social moderate who didn't check his conscience at the door of the Capitol."

Hart is known as a classic social liberal, a Democrat with a conscience. B. T. Collins, the maverick Republican who serves as Governor Jerry Brown's chief of staff, endorsed Hart at the Santa Barbara fund raiser and served as rollicking master of ceremonies. He noted that he and Hart made odd podium mates: Collins is a former Green Beret who lost a leg and part of an arm in Vietnam; Hart was an anti-war activist who mailed his draft card back to Washington. (It was that act which, in part, impelled Ronald Reagan to help raise about $10,000 for Hart's GOP foe in 1978. Reagan wrongly claimed at that time that Hart had "burned" his draft card. It was the only occasion when Reagan delved into local politics since buying his nearby ranch eight years ago.)

At the fund raiser, Collins explained that he sees Hart as "the best possible person. Gary Hart is dull; Gary Hart is not flashy; Gary Hart is not a demagogue. He is a gentleman. He is the 'wrong' kind of person to send up there (to Sacramento). He's willing to put his soul on the line. He cares. And that's what makes this system work."

Capturing the middle ground

While issues will be important in the race, so will image. Each candidate is seeking to stake out the political middle ground and convince voters that his foe is either too far left (Hart) or too far right (Imbrecht).

Imbrecht has made it clear he will use the standard Republican line against Hart: that he is a big spender who is also too liberal for the district on social issues such as crime. All of Hart's opponents have employed that as their chief weapon, and all have failed. But none approached Imbrecht in experience or the money and organization to deliver the message.

As an example, Imbrecht reminded voters on his announcement tour that Hart has voted against the death penalty while Imbrecht and voters in the district favor it. Hart also opposed Proposition 8, the omnibus anti-crime package in the primary, while Imbrecht supported it. (The Republican will have to be careful in tackling Hart on that issue, however, since the measure lost in the Santa Barbara area, even in some GOP precincts.)

Hart thinks he can defuse crime as an issue. He notes that he has voted for numerous increases in penalties for violent crime and has authored bills cracking down on rape and drunken driving: "I'm sure going to talk about that a lot." And, he asks, "How many crime bills has he (Imbrecht) had passed?"

Money as an issue as well as a weapon will be talked about a lot. Imbrecht declares that Hart "has been an active participant in the most dramatic increase in the state's spending and taxation burden of any prior period in our history." As vice chairman of the Ways and Means Committee, and a member of budget conferences, Imbrecht himself has been a participant in the spending process. But in pre-primary mailings he emphasized that he pushed an alternative budget which was hundreds of millions of dollars less than the Democratic version, and sponsored a $125 million tax break.

At Hart's fund-raiser, Roberti suggested that Democrats will try to turn that proposed tax break against Imbrecht. He charged that the Republican threatened to block the budget's passage "unless you give us $125 million in personal property tax relief for yacht owners and private plane owners."

(Both Imbrecht and Hart realize, of course, that economy has its limits and that spending close to home can help at election time. In a recent news release, Imbrecht announced that the budget conference committee approved $406,000 for work at the University of California in Santa Barbara.)

Competing for environmentalists

Hart considers environmental protection his strong suit. He cites a long list of environmental advances he sponsored, including solar-powered tax credits and a park bond issue. He can tell voters he is "perfect" on this issue; at least he has voted 100 percent "right" in the eyes of the League of Conservation Voters.

Imbrecht, too, rates high in such rankings. In one pre-primary mailer, he emphasized his support of protection for Lake Tahoe and Mono Lake as examples of his concern. His television spots show him walking along the

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IMBRECHT

beach or standing in front of the beautiful Santa Barbara courthouse, with the message that this is a special area whose assets must be protected.

But Hart carries around a list of Imbrecht votes which he alleges are anti-environment and which he offers as evidence that the Republican is a "Johnny-come-lately" to the issue. "I'm going to run hard on that," Hart promises.

Hart also is counting on continuing support from the strong Republican environmental vote in the Santa Barbara area. He hopes that to them, "Environmentalism is more important that Republicanism."

Imbrecht thinks Hart is fooling himself if he expects to corral many GOP voters. While Hart has done surprisingly well in the past among Republicans (given his liberal image), his previous opponents were inexperienced unknowns. Imbrecht offers Santa Barbara County Republicans an attractive, experienced, elected official, a quality GOP leaders have sought for eight years to put up against Hart. Imbrecht spent a lot of money against a political unknown, Walter Barrows Sr., in the primary. Some Republican households in the Santa Barbara area received five flashy Imbrecht mailers. He wound up with 85 percent of the primary vote.

Imbrecht hopes to sweep the reliable GOP vote, make some inroads into Democratic ranks (particularly in his Ventura County stronghold) and win the all-important independent vote. The district contains one of the highest independent registrations in the state, along with Marin and San Francisco counties.

Hart must hold on to the Democratic majority, lure as many Republicans as possible and maintain his traditionally strong appeal to independents, who have firmly backed him in the past. Hart will be in trouble if Imbrecht succeeds in projecting the moderate image he intends. Hart also is handicapped by the fact that his home base in Santa Barbara County regularly posts dismal voter turnouts, especially among Democrats.

But Hart enjoys the support of a dedicated and experienced crew of volunteers who are the envy of other politicians. Each weekend since April, carloads of Hart volunteers, along with the candidate himself, have gone door-to-door in Ventura County, where Hart is a new face and name. While Imbrecht — who plans to do the same later in Santa Barbara County — questions the value of such early contact, it has proved a successful tactic for Hart before. On Fathers Day, for instance, Hart and a dozen helpers spent four hours reaching hundreds of homes.

Reaching the uncommitted

Each man counts on solid support in his home county in the new district. "People tend to go with someone they know" even if a candidate of their own party is available, Hart figures.

The statistics offer encouragement to both camps. Hart's tacticians point out that 47 percent of the registration is in Santa Barbara County, compared to 40 percent in Ventura County. Imbrecht strategists note that the 49-37 percent districtwide registration normally would make it safely Republican. Of the 20 Senate districts being contested this year, only one has a lower Democratic registration.

But the 18th senatorial is not a typical district, and 1982 is not a normal political year. If the nation still is gripped in an economic stranglehold in November, voters may take it out on Republicans at all levels — an "x" factor which all GOP nominees must worry about but which they can do nothing to alter.

The district is new; the voters are independent. And there is disgruntlement over the Democratic-drawn reapportionment that particularly butchered once-compact Santa Barbara County. Finlly, there is the 13-14 percent virgin territory in northwestern Los Angeles County, where neither man is a household name. Both sides expect the election to be settled there, and an effort out of all proportion to the number of voters will be made there by each candidate.

In fact, the two men almost didn't face each other this year. Imbrecht is known to have had eyes on a congressional seat; he waited until the last minute to file for the Senate, attributing the delay to the tardy Supreme Court ruling on which districts would be in effect. His decision to run for the Senate forced fellow Republican Brooks Firestone (of winemaking and tire-making fame) out of that race and into the Assembly contest for Hart's old seat.

Hart had formed an exploratory committee aimed at a race for state superintendent of public instruction, with assurances of support from incumbent Wilson Riles. But Riles unexpectedly ran for a fourth term, forcing Hart back into the legislative field. Hart, tired of two-year terms and not entranced by the idea of a career in the Assembly, entered into what he admits is a risky bid for the upper house.

Regardless of the reasons for the two men's decisions, voters in the 18th Senate District emerge as winners. For a change, they can vote for instead of against a candidate. But in making their choice, they inevitably must send to the political sidelines one of the most respected players in the game.

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City and County User Charges in California: Options, Performance, and Criteria

LLOYD J. MERCER
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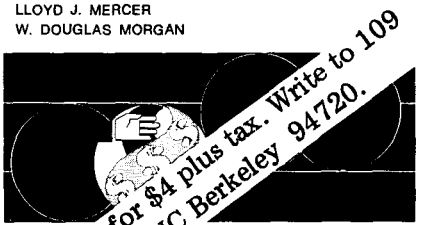

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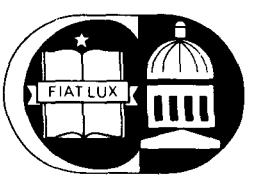

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The silent issue in the race against Robbins

By JOHN MARELIUS

Throughout a controversy-laden political career, state Senator Alan Robbins has demonstrated a cat-like ability to land on his feet. That ability will be given its biggest test in November as voters in his San Fernando Valley district render the final verdict in the "Alan Robbins trial."

Of course the trial actually ended a year ago, when the 39-year-old legislator was acquitted in Sacramento of 10 felony charges of illegal sex with teenage girls. Robbins claims that the trial will not be a factor in his re-election bid — but he knows better. The state Republicans are making him their top Senate target, and they are betting that voters will remember last year's headlines, even without being reminded.

The sex trial is the unspoken issue of the campaign. As Robbins puts it, "A jury of 12 people found me innocent. If that doesn't resolve the issue I don't know what does." Legally, it does; politically, well . . .

An out-and-out smear campaign based on the sex trial would probably create a backlash. Even veiled references to it by Republicans would be risky. But if the polls are right, mentioning it may not be necessary. A Lance Tarrance survey commissioned in the 20th District in January by the Senate Republican Caucus gave Robbins a 38 percent positive rating to a 44 percent negative. When asked, "What is the first thing that comes to mind when you think of Alan Robbins?" 36 percent mentioned the trial and 19 percent commented unfavorably on Robbins' personality or legislative record. A high 91 percent of the voters knew about the trial, according to the polls. Respondents also associated Robbins with fighting school busing, but the results showed that people are not as concerned about busing now that it is not an immediate threat. The same poll indicated that more people associate Robbins with the sex trial than with the busing issue, even if they don't remember he was found innocent.

Robbins' own poll a few months later showed his negative rating had gone down, he said. But he refused to make the poll public after initially agreeing to do so.

A further bad omen for Robbins was his primary showing of only 65 percent against two virtually unknown opponents. His was the lowest primary vote for any Senate incumbent except Democrat Alex Garcia, who lost.

Robbins' legal problems have already forced him to chuck his traditional campaign trademark — the rape whistle. The red-white-and-blue whistles he used to pass out by the thousands symbolized Robbins' landmark legislation that forbids prosecutors from inquiring into a rape victim's sexual history. (Ironically, the law was later to work against Robbins in his own trial.) That symbol having been rendered inappropriate, Robbins now distributes ball-point pens — "school-bus yellow" pens, he is quick to point out.

Importing money

Carrying the Republican banner in the 20th Senate District is Elton (Skip) Michael, 43, a Los Angeles police officer who works in the juvenile division. Michael's only political claim to fame is an earlier fourth-place finish in a city council race.

Allan Hoffenblum, Michael's campaign manager and consultant to the Senate Republican Caucus, says the GOP will spend $250,000 or more to win the seat. Not without some justification, Robbins says he is under attack from "Republicans visiting the district from Sacramento" and that local Republicans are with him.

Michael will have to depend on GOP caucus money, because he has almost no fund-raising base of his own and the San Fernando Valley's leading Republican contributors — notably automobile dealer Bert Boeckmann — are solidly in Robbins' corner. Republican elected officials in the district are either sitting out the contest or, like Los Angeles City Councilman Hal Bernson and Board of Education member Roberta Weintraub, they are supporting Robbins.

ROBBINS

"If they're going to run a serious campaign against me, they're going to have to import 99.8 percent of their money," Robbins says. Although he has raised more than $250,000, Robbins will have to import some of his money too, to fight off a well-financed challenge. He is in a position to do so because for the first time in his nine-year political career, he is in good with Democratic Party leadership.

Robbins was one of the first to back Senate President pro Tem David

John Marelius is the political editor of the Daily News *in the San Fernando Valley.*

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Roberti's bloodless overthrow of James Mills ate in 1980. In return, Roberti bestowed the chairmanship of the Insurance and Indemnity Committee on Robbins, the first important assignment of his career. Roberti also prevented Robbins' district from being collapsed in reapportionment, and the 20th escaped virtually untouched.

Republicans claim there was a more recent repayment for Robbins' loyalty, one that involved a primary surprise — but straight-faced Democrats plead innocent. The Republican strategy was for Michael, who had no money of his own, to do only enough before June to beat two token opponents. But on election eve, one of the unknown Republican candidates (a housewife named Christine Herzog, not heard from before or since) blanketed the Valley with three districtwide mail-

MICHAEL

ings in one day. The mailings contained stock Republican rhetoric but no pictures or information about the phantom candidate. A woman answering Herzog's phone the day the mailings hit refused to identify herself, saying she was a "neighbor." She said the candidate — who never campaigned but suddenly spent $20,000 in one day — was on a camping trip the day before the election.

The Herzog mailings were financed entirely by the No-on-9 campaign whose manager, Sal Russo of Russo-Watts in Sacramento, conceded the campaign was indiscriminately burning up surplus money in the closing days on slate mailings for any candidate who opposed the Peripheral Canal. Officially, the deal was put together by a campaign consultant named Wayne Adelstein. Although Adelstein once worked for Roberti, he insisted he acted on his own in an effort to make a name for himself in the political world.

Was the one-day Herzog campaign a Democratic attempt to take out Robbins' strongest opponent? Perhaps not, although Roberti has promised to do whatever he can to help out Democratic senators. That the party leadership should be prepared to throw Robbins a life-preserver is more than a little ironic. They backed Robbins reluctantly in a 1973 special election after the then-millionaire attorney-developer finished in the primary ahead of the Democratic establishment candidate, former Assemblyman Jim Keysor. They did so only because partisan control of the Senate was at stake.

Robbins soon developed a reputation as a maverick, well to the right of the Democratic mainstream. He was isolated by colleagues who considered him arrogant and abrasive. But away from the Capitol, being disliked by legislators is no cardinal sin, and Robbins always managed to make enough of a pest of himself to get things done for his district.

The 20th is 2-1 Democratic and includes some of the older, blue-collar and minority neighborhoods of the suburban San Fernando Valley. Although it generally elects Democrats in local races, the 20th went for Republicans Gerald Ford, S. I. Hayakawa and Ronald Reagan. In 1980 it dumped a 20-year Democratic congressman, James Corman, for Republican Bobbi Fiedler.

Schizophrenic opposition

The district's generally Republican business establishment has been co-opted by Robbins and his tireless work on behalf of local projects. His legislation made it possible to revive the San Fernando Valley Fair and build the long-delayed San Fernando Courthouse and Van Nuys State Building. "He'd probably like to name it the 'Alan Robbins State Building,' but at least he got it through," one local business leader observed.

Robbins does have home-grown opposition, but it has been hopelessly fragmented. Liberal leaders in heavily minority Pacoima and San Fernando claim Robbins has no regard for minority needs. They want him out, to be sure, but probably not enough to support a conservative Republican.

Republicans in the district are downright schizophrenic when it comes to Robbins. Four years ago, the GOP flirted with targeting Robbins but decided against it. The Republicans wound up with a nominee who was an avowed Ku Klux Klan sympathizer and turned up in jail on election day for failing to pay child child support.

When Steve Frank, a gadfly leader of the gadfly California Republican Assembly, threatened to lead a recall against Robbins, he was batted down by Valley Republicans who liked Robbins' conservative voting record. Besides, they reasoned, a successful recall would probably result in election of a liberal Democrat, not a Republican.

While Frank was catching flak from Republicans for trying to oust Robbins, state Senator Ed Davis and Assemblyman Pat Nolan were getting their wrists slapped by GOP leadership for serving on Robbins' fund-raising dinner committee.

"Isn't he a Republican?" Davis asked innocently when he showed up at the dinner. "He votes like one." All Senate Republican leader Bill Campbell would say publicly was he considered it "inappropriate" for Davis to support a Democratic senator. The message got through, and Davis is no longer supporting Robbins. But the former Los Angeles police chief is not backing his former employee, Michael, either. Nolan, meanwhile, has gone over to Michael.

There was a heavily Republican outpouring of support for Robbins in February in Los Angeles' glittering Century City. The Plaza Four restaurant was so overcrowded that Robbins began dispatching guests to other Century City night spots. Even if the guests did not get much to eat at Robbins' bash, the $200 tab included the best seats in the house for a theater party, Duke Ellington's *Sophisticated Ladies*.

For Republicans to unseat a Democrat, even a vulnerable one in a conservative district, they have to start out with a united front in their own party. Right now, at least, they are a long way from that. "Basically," Robbins says, "the center of the political spectrum is mine. The far left doesn't like me and the far right doesn't like me. They're going to have to run a hell of a campaign to unify both of those bases."

Republicans also seem to be scratching to find issues against Robbins since they are not inclined, at least yet, to use The Issue. Michael criticizes Robbins for missing 39 percent of the Senate's votes last year and raises the time-honored Republican bugaboo, opposition to Proposition 13. But mostly, Michael has been content so far to make vague references to "integrity" and to present himself as an upstanding cop-and-family man.

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Robbins, now divorced, has also gone to extraordinary lengths to portray himself as an upstanding family man, sometimes at taxpayers' expense. His March 1982 legislative newsletter included two half-page photos of Robbins and his 11-year-old son, Jacob. Inside was a large heading "Robbins Update on Busing." The newsletter gave a lengthy account of the court battle over Proposition 1 — referred to throughout as the "Robbins Amendment" — which was recently declared constitutional by the U.S. Supreme Court.

But the highlight of the brochure/newsletter is a half-page photo of a smiling Robbins shaking hands with a smiling Ronald Reagan, whose administration argued for Proposition 1.

All that distinguishes that picture of two smiling politicians from countless others like it is that Robbins' arm is in a sling. It was injured, the caption explains, during a roller-skating outing with his two children.

It would have been more in keeping with Robbins' political career had it been an ice-skating outing — on very thin ice.

Coming next month:

November Proposition Guide

Every California voter needs this booklet

California voters on November 2nd will be forced to make decisions on five hot initiative measures, plus a batch of propositions placed on the ballot by the Legislature.

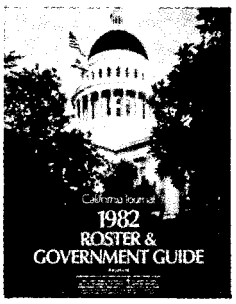
The **California Journal** won't tell you how to vote on the reapportionment, nuclear freeze, gun-control, container-deposit and water-conservation initiatives. But we'll provide you with all the background and pro-and-con information you'll need to make up your own minds.

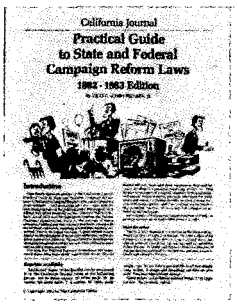
All this will be coming your way in a special ballot-proposition booklet that will be included in next month's issue of the **California Journal.** This booklet will cut through all the rhetoric and tell you in plain language what the bottom line happens to be on each measure.

This special report can be ordered now as a special item at the following prices: 50 or more copies, 50 cents each; 10-49 copies, 75 cents each, 2-9 copies, 95 cents each; single copy, $1.25.

Attention corporations and associations: You can arrange for special printings with your logo and a message to employees or members. But you must contact the California Journal Press immediately to order customized booklets.

Other handy pamphlets available from the California Journal Press:





Roster

The 1982 edition of the **California Journal Roster and Government Guide,** a 16-page booklet that provides all the basic information needed by everyone even on the fringes of the state government game. The **Roster** contains the names, addresses and telephone numbers of all Californians in Congress, members of the state Legislature, statewide elected officials and each major department in California government, as well as information on legislative committees, a new legislative process chart, and much more material of use to anyone coming into contact with any branch of state government. Prices: 100 or more copies, 30 cents each; 50-99 copies, 40 cents each; 10-49 copies, 60 cents each; 2-9 copies, 85 cents each; single copy, $1.50.

Campaign-law guide

The 1982-83 **Practical Guide to State and National Campaign Reform Laws,** by Vigo G. Nielsen Jr., is a layperson's trip through the maze of election laws in question-and-answer format. Prices for reprints: 100 or more copies, 50 cents each; 10-99 copies, 60 cents each; 2-9 copies, 85 cents each; single copy, $1.50.

Reapportionment '82

Only the *California Journal* has published a detailed, low-cost booklet describing all 165 legislative and congressional districts for this year's elections — complete with nine maps. This 16-page special report is available at the following prices: 50 or more copies, 75 cents each; 10-49 copies, 75 cents each; two to 9 copies, 95 cents each; single copy, $1.25.

Send your orders to the California Journal Press, 1714 Capitol Ave., Sacramento 95814. Postage and handling are free on pre-paid, Visa and MasterCard orders. Add sales tax to all but single copy orders.

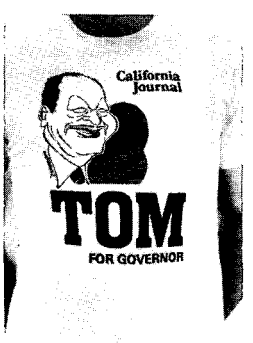
Wear your candidate on your chest

George Deukmejian and Tom Bradley are the latest victims in the **California Journal** T-shirt series. Both shirts are gold with black printing and are just the ticket for the hot political season ahead.

Other T-shirts now available: Ronald Reagan in orange and B. T. Collins, Governor Jerry Brown's often-outrageous chief of staff, in powder blue.

Shirts are available for $7.95 each (including tax and postage) for prepaid or credit-card orders. Choice of sizes: men's small, medium, large and extra large.

Send orders to the California Journal Press, 1714 Capitol Ave., Sacramento 95814.



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WANTED: Practical, knowledgeable and politically independent Californians to take the politics out of politics. Apply at the Court of Appeal or lobby your state legislator.

Will the GOP complete its reapportionment parlay?

By ED SALZMAN

Retired United States Supreme Court Justice Potter Stewart is quoted in *American Journey* by Richard Reeves as saying that "the courts have replaced the frontier" in modern America. In the old days, when someone didn't like what was happening, he or she just moved to new territory. Today, those disgruntled souls have no new territory in which to settle, and they turn to the courts for solace instead.

Is that the case with the California Republican Party? As a general rule, the GOP hardly advocates judicial solutions to legislative problems. But the Republicans are extremely upset with the way they have been treated by the Democratic Legislature in congressional and legislative reapportionment. And now they are, in effect, turning to the courts for permanent redress.

On the June primary ballot, the Republicans were successful in convincing Californians that the redistricting plans adopted by the Legislature are unfair and should be discarded. With the assistance of the non-partisan political reform organization Common Cause, the GOP in November will try to win the second half of its parlay by removing the power to reapportion from the Legislature. Under the GOP-Common Cause initiative, the most political of all political acts would be accomplished by a 10-member Districting Commission, theoretically with no partisan bias.

Under this plan, drafted by San Francisco political attorney Vigo (Chip) Nielsen Jr., the courts would be involved two ways. First, seven senior members of the Court of Appeal would select the four members of the commission charged with providing the independent leadership to the commission. And if the commission fails to come up with a plan, the Supreme Court would draw the lines.

Here is an outline of the measure written by Nielsen, who has been active in Republican causes for many years, on behalf of the party and Common Cause:

- **Each Senate** district shall consist of two Assembly districts, and each Board of Equalization district shall be composed of 10 Senate districts.
- **The commission** shall attempt to promote competition for elective office, and districts shall be composed of convenient, contiguous territory.
- **State Senate** districts shall be numbered so that there shall be no lapse of representation for a district.
- **Members of** the commission shall be chosen in the year of the decennial census. A chairperson and three other members shall be appointed by December 31st by a panel of seven justices of the appellate court (by two-thirds vote). The justices will be selected by seniority, but not more than four can have been registered with the same political party at the time of their appointment to the Court of Appeal. The justices shall appoint "practical, knowledgeable, politically independent" men and women who will give the commission geographic, social and ethnic diversity. Three additional members shall be chosen by each major political party. These appointments shall be made by the state chairperson

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of each party and by the partisan caucuses in the Senate and Assembly. The appointees of the party chairs cannot be legislators.

- **Commission meetings** shall be open to the public.
- **All commission** actions must be approved by 7 of the 10 members. The commission shall employ staff members and consultants.
- **Special provisions** apply for the 1984 election. Commission appointments will be made by the end of 1982, and plans adopted by the commission shall remain in effect for the remainder of this decade.
- **The commission** must adopt final plans by October 1st of the year following appointment.
- **The seven votes** required to adopt a plan must include at least one of the partisan appointees from each party. Any adopted plan shall be subject to the standard referendum procedures.
- **If the commission** fails to adopt a plan, the Supreme Court shall do so within 60 days. If possible, the court shall use the commission and its staff as special masters.
- **Commission members** who are not members of the Legislature shall receive legislative salaries for the months the commission is active.

In June, the Republicans obliterated the Democratic redistricting plans (starting in 1984) by more than a million votes. Will the GOP be as successful with its initiative in November?

The Democrats know they face a tough, uphill struggle to defeat the measure. The first task of the Democrats is to separate the June referenda from the November initiative in the public mind. The Republicans are linking the two as a fair-apportionment parlay. It would take an enormous expenditure of money and effort for the Democrats to beat the Republicans at this game, especially with Common Cause on the side of the GOP. (One of the attractions of the reapportionment campaign for Common Cause was the chance to become a partner with the Republicans and reinforce the organization's image as a non-partisan organization. However, Common Cause has been campaigning nationally for several years in favor of non-partisan redistricting commissions.)

Rosemarie King, executive director of the state Democratic Party, says that the party will raise some money for the fight but probably not a great deal, primarily because reapportionment is not an issue with political sex appeal and it will be difficult to sell "no" votes on the initiative. She predicted that the Democrats would attempt to mount more of an educational than a mass-media campaign against the proposition.

What are the chances of success for such a "no" campaign? All the signs are not hopeless. The Democrats in the congressional delegation are charged up about the issue because the proposed plan gives commission representation to the Senate and Assembly but not to them. Furthermore, the slate-mailers employed in Los Angeles on behalf of some Democratic candidates in the June election were effective in mobilizing Democratic Party loyalty on the three redistricting referenda. Los Angeles was the only major county in the state where the votes on the redistricting measure were reasonably close.

There is a difference of opinion as to the effectiveness of commissions in other states, and the Democrats hope to use the experiences elsewhere as amunition for the November battle in California. Likewise, Common Cause likes to talk about the commission as a successful venture in some states. But how valid are the claims of either side? In most states, the commission can go to work only if the legislature deadlocks or can serve as advisory panels to the legislature and governor. (California once had a constitutional provision for a commission that would move into action if the Legislature failed to reapportion. But that provision was declared invalid once the one-man, one-vote ruling was handed down by the United States Supreme Court.)

The vote in June probably gives the GOP a heavy advantage as the campaign starts. The Republicans have little to lose. The current districts, especially those for Congress, could hardly favor the Democrats more. The worst the Republicans can get is a significantly different scheme drawn by the Legislature (assuming the November initiative is defeated). The best the GOP can get is a highly competitive set of districts drawn by the new commission — districts that will give the Republicans an opportunity to gain congressional seats and take control of the Legislature in 1984.

The deadlock scenario

The most likely scenario is that a Redistricting Commission will deadlock and that the lines will be drawn by the state Supreme Court, employing the commission and its staff as technical assistants. No one can predict what the court might do, but its current flavor is definitely more Democratic than Republican.

Here is how events might unfold: The three members representing each party will deadlock and the four independent members of the commission will be unable to break the impasse necessary for agreement. In order for a plan to win approval, the four independents must pick up at least two votes from one party and one vote from the other. (A less likely possibility is that four or more partisan members will agree and join forces with some of the independents.)

Walter Zelman, the executive director of California Common Cause, is optimistic that the commission plan will work. He is not naive about the process, but Zelman claims he would rather see reapportionment be a "fair political fight rather than an unfair political fight." He feels the key will be the degree of flexibility in the Democratic Party commissioners. If they hold tight, he adds, the Supreme Court might well choose a plan favored by the Republicans and the independents.

Important to commission success will be the chairperson to be appointed by the panel of justices, Zelman believes. He says there are several political-science professors with the knowledge and the non-partisanship required to lead the commission successfully.

Who might be named to the four independent posts? How many Californians qualify as "practical, politically independent and knowledgeable?" Perhaps the best sources for such individuals would be the Capitol press corps in Sacramento, but none of those reporters would be able to serve. Besides, how many Californians who are expert on the subject are also politically independent? Someone who is politically naive will not be able to cope with the kind of partisan pressures that are built into the reapportionment issue. It will take a miracle of statesmanship to win agreement on such an issue from representatives of both parties. The only way such a deal can be cut is with a plan that guarantees reelection for the incumbents of both parties. And that is precisely what Common Cause did not have in mind and what the independent members of the commission can hardly be expected to condone. But how else can an accommodation be reached? Would an appointee of the Democratic or Republican central committee vote against the legislators from his or her party?

What this means is that the chances for a deadlock are excellent. That doesn't bother the Republicans. They feel they are likely to get a reasonably fair deal from the Supreme Court, with the commission serving as masters. And whatever comes out of this proposed new process, they believe, could hardly be worse for the GOP than the plans produced by the Democratic Legislature.

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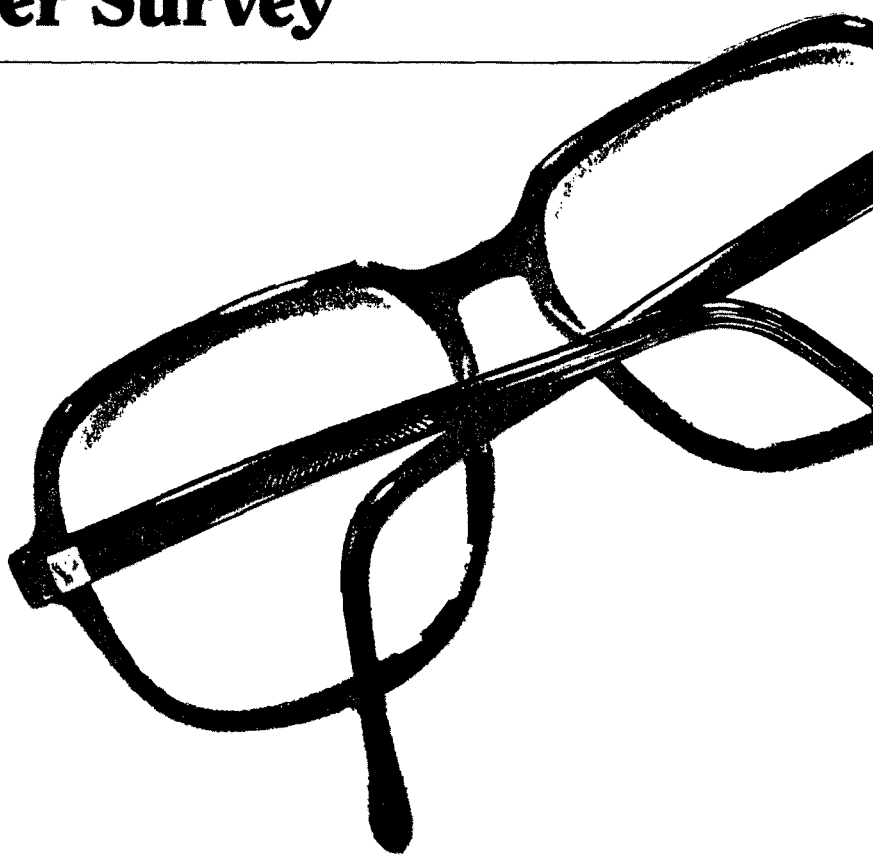
California Journal

The Monthly Analysis of State Government and Politics

Reader Survey



Dear Reader,

We are conducting a survey of *California Journal* readers to learn as much as we can about the people for whom we publish the magazine and to learn how we can make the *Journal* even better.

The more responses we get, the more accurate our research will be. Accordingly we'd appreciate it if you would take a few minutes to fill out the survey. Your answers will help us make the magazine even more responsive to what you want. Then pull the survey from the magazine, fold it as indicated, and mail it to us. We'll pay the postage.

All answers will be kept in strictest confidence and will be used only in combination with others from all over California.

Your response is very important. Thank you for your help.

Sincerely,

Thomas R. Hoeber

THOMAS R. HOEBER
Publisher

P.S. Please be sure to add any additional suggestions you have for the *Journal* in the space provided.

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What is your age?

- ☐ Under 18
- ☐ 18-24
- ☐ 25-34
- ☐ 35-44
- ☐ 45-54
- ☐ 55-64
- ☐ 65 or over

What is your gender?

- ☐ Male
- ☐ Female

What was the highest grade you ever attained?

- ☐ Grade school
- ☐ Attended high school
- ☐ Graduated high school
- ☐ Attended college
- ☐ College degree
- ☐ Post-graduate work
- ☐ Post-graduate degree

What is your marital status?

- ☐ Married
- ☐ Single
- ☐ Separated
- ☐ Widowed
- ☐ Divorced

What is your family size (# living in your house)?

- ☐ one
- ☐ two
- ☐ three
- ☐ four or more

What is your family income (approximate total household income before taxes)?

- ☐ Under $10,000
- ☐ $10,000-$20,000
- ☐ $20,000-$30,000
- ☐ $30,000-$50,000
- ☐ $50,000-$75,000
- ☐ $75,000-$100,000
- ☐ Over $100,000

Please check the single category which most accurately describes your occupation. If more than one category applies, check the occupation most closely related to your interest in the *Journal*.

- ☐ Elected official
- ☐ Lobbyist
- ☐ Administrator
- ☐ Educator, teacher
- ☐ Civil servant
- ☐ Attorney
- ☐ Journalist
- ☐ Librarian
- ☐ Consultant
- ☐ Student
- ☐ Secretary, clerk
- ☐ Homemaker
- ☐ Banking, auditing, broker
- ☐ Medical profession
- ☐ Legal profession
- ☐ Engineer, scientist, architect
- ☐ Clergy
- ☐ Skilled worker
- ☐ Laborer
- ☐ Sales
- ☐ Retired
- ☐ Temporarily unemployed

Other (Please specify): _____

Please check the category which most accurately reflects the organization for which you work or with which you are primarily affiliated.

- ☐ Federal government
- ☐ State government (General)
- ☐ State government (Legislative)
- ☐ Local government
- ☐ Financial, accounting
- ☐ Education
- ☐ Radio, TV
- ☐ Military
- ☐ Political party
- ☐ Business, agriculture
- ☐ Association
- ☐ Personal service
- ☐ Newspaper, magazine
- ☐ Union
- ☐ Community organization

Other (Please specify): _____

What is your political registration?

- ☐ Democrat
- ☐ AIP
- ☐ Republican
- ☐ P & F
- ☐ Decline to state
- ☐ Not registered

How many of the last five issues of *California Journal* have you had a chance to look through?

- ☐ 5 of the last 5
- ☐ 4 of the last 5
- ☐ 3 of the last 5
- ☐ 2 of the last 5
- ☐ 1 of the last 5
- ☐ 0 of the last 5

How many of the last five issues do you still have?

- ☐ 5 of the last 5
- ☐ 4 of the last 5
- ☐ 3 of the last 5
- ☐ 2 of the last 5
- ☐ 1 of the last 5
- ☐ 0 of the last 5

On the average, how much total time do you spend looking through or reading the magazine?

- ☐ Less than 1 hour
- ☐ 1-2 hours
- ☐ 2-3 hours
- ☐ 3+ hours

Is the individual responding to this questionnaire . . .

- ☐ The person to whom the subscription is addressed?
- ☐ A member of the above's family?
- ☐ A person in the organization to which the subscription is addressed?
- ☐ A library patron?
- ☐ Other

On the average, how many persons other than yourself, look through each issue of the magazine?

- ☐ 0
- ☐ 1
- ☐ 2
- ☐ 3
- ☐ 4
- ☐ 5
- ☐ 6
- ☐ 7
- ☐ 8
- ☐ 9
- ☐ 10
- ☐ 11 or more

On a scale of one (lowest) to five, how would you rate the following regular features of the *Journal:*

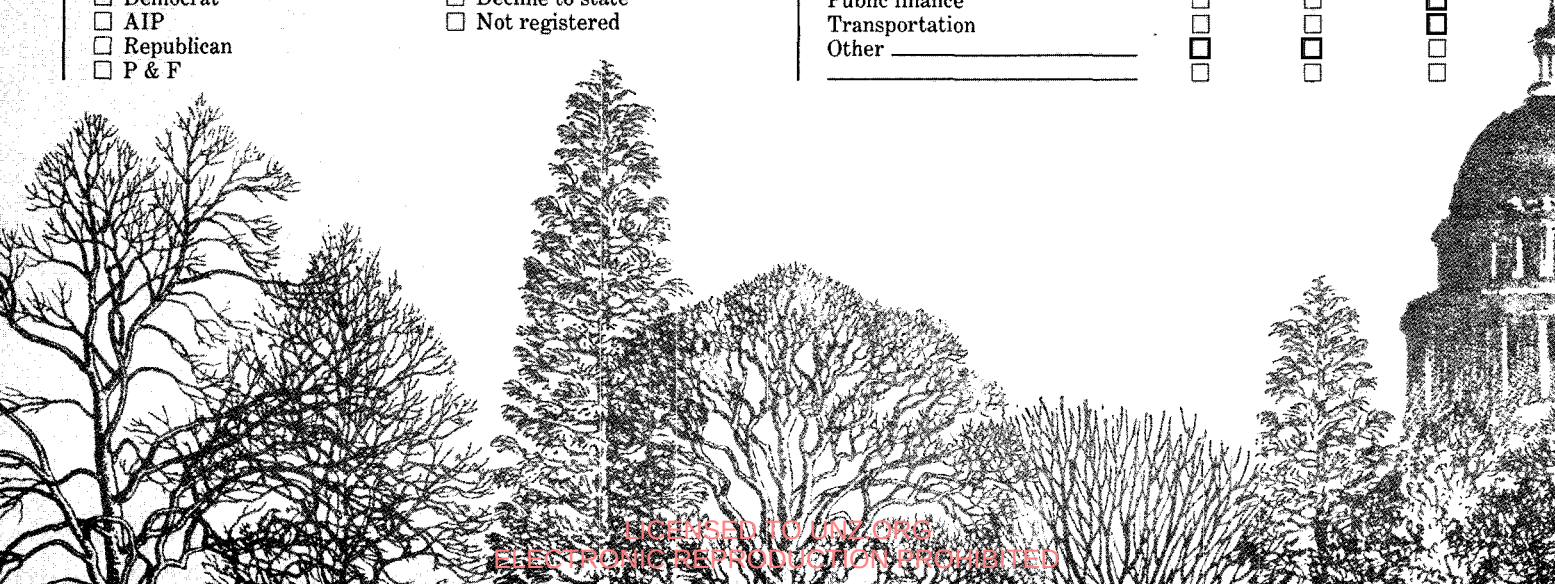
- ☐ Up Front
- ☐ Personal Perspective
- ☐ Perspective from Washington
- ☐ Roll Call
- ☐ Newsmakers
- ☐ New in Print
- ☐ Charting the Legislature
- ☐ Rostrum
- ☐ Recent Court Decisions

Currently the *Journal* is about evenly divided between articles on politics and elections on the one hand and on issues and governmental organization and process on the other. Would you like:

- ☐ More on politics and elections?
- ☐ More on issues, governmental organization and process?
- ☐ The current balance is about right.

Does the *Journal* devote too much, too little or about the right space to the following subjects:

	Too Much	Too Little	About Right
Business & agriculture	☐	☐	☐
Campaigns, elections and politics	☐	☐	☐
Consumer affairs	☐	☐	☐
Courts & judiciary	☐	☐	☐
Criminal justice	☐	☐	☐
Education	☐	☐	☐
Environment	☐	☐	☐
Executive branch	☐	☐	☐
Health & welfare	☐	☐	☐
Legislature	☐	☐	☐
Lobbying	☐	☐	☐
Local government	☐	☐	☐
Minority affairs	☐	☐	☐
Personality profiles	☐	☐	☐
Public finance	☐	☐	☐
Transportation	☐	☐	☐
Other _____	☐	☐	☐
_____	☐	☐	☐



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Indicate which (if any) of the following magazines you read regularly:

- ☐ *California Business*
- ☐ *California*
- ☐ *Sacramento*
- ☐ *Los Angeles*
- ☐ *San Francisco*
- ☐ *San Diego*

How many magazines or newsletters do you subscribe to or buy regularly?

- ☐ None
- ☐ One
- ☐ Two to four
- ☐ Five or more

How many newspapers do you read regularly?

- ☐ None
- ☐ One
- ☐ Two to four
- ☐ Five or more

Do you own your own home?

- ☐ Yes
- ☐ No

If you own your own home, what would you estimate is the present market value of your home and grounds?

- ☐ Don't own home
- ☐ Under $50,000
- ☐ $50,000-$74,999
- ☐ $75,000-$99,999
- ☐ $100,000-$200,000
- ☐ Over $200,000

What type of home do you have as a second home?

- ☐ Don't have a second home
- ☐ House we own
- ☐ House we rent
- ☐ Condominium we own
- ☐ Apartment or co-op that we own
- ☐ Apartment we rent
- ☐ Other

Are you considering purchasing a home during the next 18 months?

- ☐ Yes
- ☐ No

What is your zip code? _____

In an average month, how often do you or the members of your household eat meals in a restaurant? (Please exclude "fast food" places.)

- ☐ None
- ☐ 1-2 times
- ☐ 3-4 times
- ☐ 5-8 times
- ☐ 9-12 times
- ☐ 13-19 times
- ☐ 20-29 times
- ☐ 30 or more times

In an average month, how often do you or the members of your household entertain in your own home?

- ☐ Never
- ☐ 1-2 times
- ☐ 3-4 times
- ☐ 5-8 times
- ☐ 9-12 times
- ☐ 13 or more times

In the average month, which of the following beverages do you or members of your family consume or serve to guests?

- ☐ Liquor
- ☐ Beer
- ☐ Imported Wine
- ☐ Domestic Wine
- ☐ Nonalcoholic beverages
- ☐ None of the above

How many cars do you or other members of your household currently own?

- ☐ None
- ☐ One
- ☐ Two
- ☐ Three
- ☐ Four or more

How many of the cars mentioned above were new when purchased?

- ☐ None
- ☐ One
- ☐ Two
- ☐ Three
- ☐ Four or more

Do you plan to purchase an automobile during the next 12 months?

- ☐ Yes
- ☐ No

Have you or other adult members of your household rented or leased a car within the last 12 months (including business and pleasure)?

- ☐ Yes, rented
- ☐ Yes, leased
- ☐ Yes, both
- ☐ No

Approximately how many nights have you stayed in hotels or motels during the past year?

- ☐ None
- ☐ 2-5
- ☐ 5-10
- ☐ More than 10

Which of the following major credit cards do you own? (Please check all that apply.)

- ☐ Visa
- ☐ Diners Club
- ☐ MasterCard
- ☐ Carte Blanche
- ☐ American Express

Which of the following sports and other outdoor activities have you and the other members of your household actively participated in within the past 12 months? (Please check all that apply.)

- ☐ Bicycling
- ☐ Water skiing
- ☐ Skin diving/snorkeling
- ☐ Tennis
- ☐ Motorcycling
- ☐ Jogging
- ☐ Golf
- ☐ Boating (excluding sailing)
- ☐ Horseback riding
- ☐ Snow skiing
- ☐ Hunting
- ☐ Camping
- ☐ Racquetball/squash
- ☐ Rafting
- ☐ Sailing
- ☐ Backpacking
- ☐ Swimming
- ☐ Flying
- ☐ Softball
- ☐ Fishing

In the past 12 months, approximately how many air trips did you or other members of your household take primarily for pleasure?

- ☐ None
- ☐ One or two
- ☐ Three to five
- ☐ Six to eight
- ☐ Nine or more

In the past 12 months, approximately how many air trips did you or other adult members of your household take primarily for business reasons?

- ☐ None
- ☐ One or two
- ☐ Three to five
- ☐ Six to eight
- ☐ Nine or more

In the past 12 months, approximately how many auto trips of 100 miles or greater distance, one way, did you or the other adult members of your household take to any destination for any reason?

- ☐ None
- ☐ 1-4
- ☐ 5-9
- ☐ 10-24
- ☐ 25-49
- ☐ 50 or more

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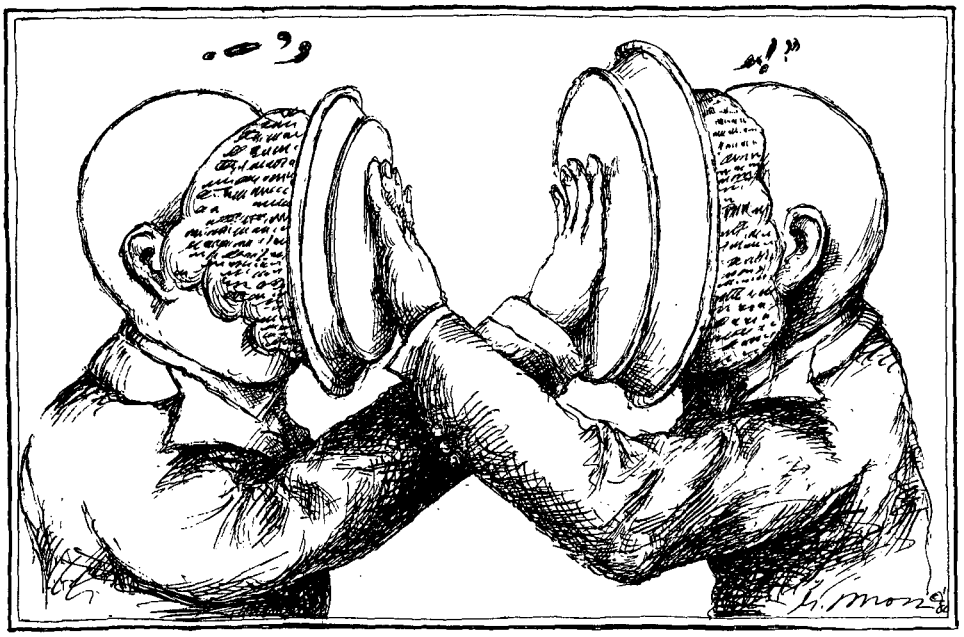
An insider's view of a dirty-tricks campaign



The use of "dirty tricks" in California elections has been escalating in recent years. Mud-slinging tactics were especially outrageous in this year's Democratic state Senate primary between incumbent Alex Garcia and challenger Art Torres. In the following article, campaign director David Townsend gives a blow-by-blow description of the race—from the Torres point of view. Townsend is a political campaign consultant based in Sacramento and a former aide to state Senator Bob Presley.

By DAVID TOWNSEND

In the state Senate Democratic primary contest between Senator Alex Garcia and Assemblyman Art Torres, the Garcia campaign tactics hit a new low. His advisers expanded on the last-minute "hit" piece so common to California legislative races and developed a whole campaign based on lies and deception. They began early in the campaign and then repeated the statements in mailer after mailer, as well as in telephone banks disguised as legitimate research polls.

The repeated-deception strategy has two results: Voters can be told anything about a candidate that a resourceful political consultant can dream up — even questioning the legitimacy of an opponent's children. Secondly, the targeted candidate must spend valuable campaign resources to refute the lies -- assuming there is time to do so.

The campaign conducted by Senator Garcia and his political advisers may have contributed to a growing trend that cannot be reversed. At the least, their techniques bear long-term implications for everyone in the business of politics.

To understand what these implications are, it is helpful to begin with the makeup of the 24th state Senate District in east Los Angeles. It has an overwhelming Democratic registration, meaning that the winner of the party primary is assured of being the state senator for the next four years. Here are the demographics of the district: 47 percent of the registered Democrats are 51 years or older; 46 percent are Hispanic, 41 percent are white, 64 percent are Catholic, 17 percent are Protestant.

A poll taken last December for Torres showed the Garcia-Torres race to be dead even: Garcia 29 percent, Torres 29 percent and 42 percent undecided. This poll also showed that only 12 percent of the voters could name Garcia as their senator.

Assemblyman Torres opened the campaign with the slogan, "The 24th Senate needs a full-time senator." Garcia had a high absenteeism record in Sacramento on which Torres hoped to capitalize in the campaign. Torres' poll showed that 67 percent of the voters would be less inclined to vote for a legislator who missed votes, regardless of the reason.

Garcia responded with his first mailer, a piece similar to a legislative newsletter with a questionnaire. In this mailer Garcia charged that:

- "Torres . . . has recently moved here to try to take away our local state Senate seat;"
- "His children went to an exclusive private school;"
- "Until recently Torres couldn't even speak Spanish. Now he has a special private teacher trying to teach him Spanish;"
- "He is a Baptist . . . Our family attends Resurrection Catholic Church;"
- "(Torres) has no personal knowledge or real ties to our community."

The questionnaire also contained loaded questions, such as, "Do you believe our local Senator should live here, send his children to public schools here and attend church here

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(Senator Alex Garcia and his family attend Resurrection Catholic Church)? Or, do you believe it is all right if our local Senator lived in a mansion in Sacramento, sent his children to exclusive private schools, and even attended church there until a few weeks ago. (Art Torres is a confirmed Sacramento Baptist.)"

Outraged by this mailer, we mailed a response piece with this headline: "*Alex Garcia has lied to you 10 times, and the campaign for State Senate just started.*" The piece took each allegation and answered it.

The *Los Angeles Herald Examiner* and *Los Angeles Times* did articles on the mailers; both stories indicated that Garcia had misstated many facts. That should have been the end of it — but it wasn't.

The 'mansion' mailer

Garcia's subsequent mailers repeated the charges. A computer letter from Garcia supporter Joe Montoya used these phrases: "Arthur Torres, with big bucks who lives in a mansion in Sacramento . . . hardly speaks Spanish and a few weeks ago got a special teacher to try to teach him." Montoya concluded by saying, "Most importantly, Torres cannot be trusted, his word is worth nothing . . ."

Another Garcia mailer arrived with a picture of the Torres "mansion." Inside, the copy repeated the charges, reported by both major Los Angeles newspapers again as misleading.

In another piece, Senate President pro Tem David Roberti is quoted as accusing Torres of "using his 'shady connections' to raise the money to challenge Garcia." He is further quoted as calling Torres a "lightweight" and charging that "Torres' blind ambition and ruthless egomania" had gotten the better of him. (According to Fair Political Practices Commission records, Roberti contributed at least $120,000 to Garcia's campaign, and United Farmworkers President Cesar Chavez gave Garcia at least $70,000 plus scores of campaign workers from union ranks.)

Our staff also began getting reports of an anti-Torres telephone campaign in which callers said they were representatives of an opinion-polling firm and then posed questions which incorporated the deceptive charges in the Garcia direct-mailers. (For example: "Would you vote for a state senator who lived in a Sacramento mansion and not in our district? Did you know that Assemblyman Torres lived in Sacramento?) At least some callers used the name of "Opinion Research," a bona fide polling firm in Long Beach which, when notified, provided us with a letter denying any involvement in the telephone "polling" in the 24th District.

Torres' campaign countered with targeted postcards stressing his legislation and votes to the various constituencies in the district: senior citizens, Asians, white males, women and various cities. Torres' mail emphasized his endorsements from local officials including Assemblyman Richard Alatorre. Torres also pushed his support from "every major law enforcement group in California."

As the Garcia attacks continued and rumors persisted that the attacks were going to escalate in late mailers, the pressure on the Torres campaign to attack Garcia as a "drunk" became intense. Our polling information showed that 54 percent of the voters thought that if an elected official had a drinking problem, it was appropriate to mention it in a campaign. But Torres was opposed to using such a charge against Garcia. "We can attack Garcia for missing votes and for not introducing legislation, but I do not want to attack a man because he has an illness," Torres repeated in at least four separate meetings with advisers. The decision was final.

We braced ourselves for what was to come. Our strategy was to attempt to impress the voters with Torres' legislative record and his support among labor, law enforcement and local elected officials. We hoped that if voters thought Garcia was lying and all these people were endorsing Torres, then any late-attack mailers would be disbelieved by the voters.

The 'Kennedy endorsement'

But we could not have predicted Garcia's last two mailers. The first arrived in voters' homes on the Saturday before the election: "Senator Garcia announces Kennedy endorsement!" said a bright orange headline on the cover, with a photo of Senator Edward Kennedy. Inside were photos of Kennedy and (separately) of Garcia. Only by reading the smaller type inside did a voter learn that Garcia was announcing *his* support *for Kennedy* for president in 1984.

Frantic telephone calls ensued between Torres and myself and Kennedy staffers Bob Shrum and Jack Leslie. We needed a statement from Kennedy denying the Garcia mailer; we were told that he was "on a plane to the Cape."

Leslie indicated that he would speak with Roberti staff member John Shahabian, Garcia's campaign manager. Twenty minutes later Leslie called to assure us that there was no such piece. He had spoken with Shahabian, Leslie

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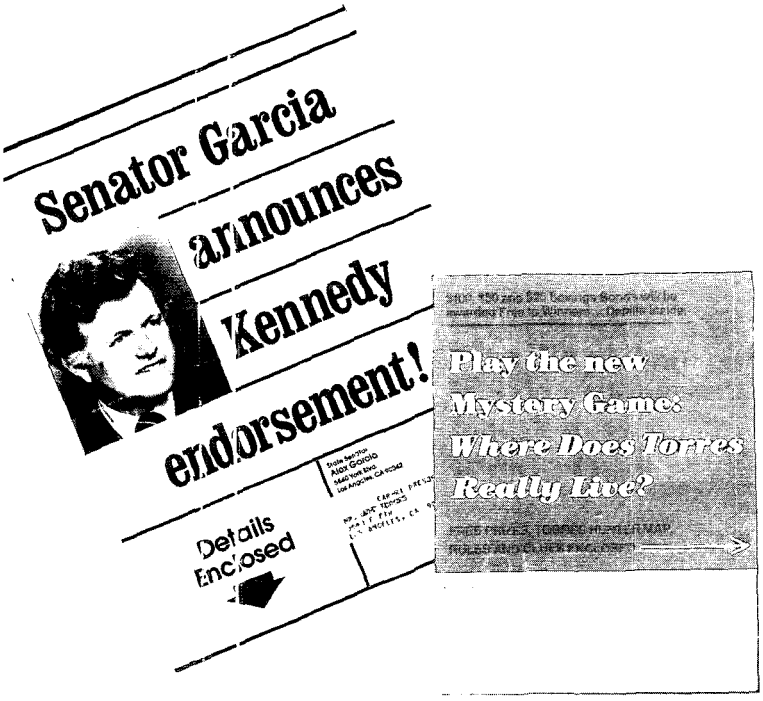
Senator Garcia announces Kennedy endorsement!
Details Enclosed
Play the new Mystery Game: Where Does Torres Really Live?

said, and had been told there was a mailer urging people to sign a petition to draft Kennedy for president, but that "no implied endorsement was made." At that time we did not have a copy of the mailer; we had only seen it at the bulk-mail section of the terminal annex post office.

The next morning we had a copy of Garcia's "Kennedy endorsement" mailer. I called Leslie again and quoted exactly from the piece. He urged me to contact the *Los Angeles Times* and the *Los Angeles Herald Examiner*. In effect, he was suggesting that we battle a 62,000-piece mailer to every Democratic household — a mailer indicating that the most popular politician in this district had just endorsed Garcia — with a story buried in the massive Sunday *Times*.

Instead, we hastily put together a postcard with a photo of Kennedy and Torres and a message stating exactly what Leslie had told us: that Senator Kennedy had not endorsed Garcia for Senate and that Torres was a good friend and played a key role in the Kennedy 1980 presidential campaign.

Foolishly, we thought the "hit pieces" were through. But on the day before the election, the last and worst of the mailers arrived. Its headline: "Play the new Mystery Game: Where Does Torres Really Live?" Inside this mailer were references like these: "The woman Torres calls his wife, Yolanda Nava . . . If Yolanda Nava is the mother of the Torres children . . . Torres says one Yolanda Nava is his wife, although she does not have his name . . . Arthur Torres and his Miss Yolanda Nava are registered to vote . . ."

These references were obviously placed in the final mailer to imply that Torres and his wife of seven years, television newscaster Yolanda Nava, were not married and were living together without benefit of marriage. Such implications — clearly damaging among voters in a highly Catholic, Hispanic district — were mailed to every voter in the district, too late for any response and with the clear intent of winning over undecided voters. The Garcia strategists knew that if the tactic worked and Garcia won, Torres would have no recourse.

Crossing the line

Torres won the election by an eight-point margin, 54-46 percent. But Torres' initial reaction to the campaign against him was this: "Sometimes the price is just too high. They attacked my children, my wife and my religion."

There is a place for "hit" pieces in a campaign. If a candidate's voting record or attendance record can be brought before the voters and attacked, then they should be presented. Such information is public record, and voters have a right to know. If an officeholder is out of step with his or her district, that too is a fair area to attack.

However, there must be a deterrent created to keep candidates and political consultants from crossing the line between exaggeration and outright falsehoods. Otherwise, we will soon see dirtier and dirtier campaigns in our state, and fewer and fewer good candidates because "the price will be too high."

Some post-primary suggestions for reform have been offered. One is for warnings on last-minute brochures that say: "Be on guard for campaign literature distributed in the final days before an election. It can contain distortions and misrepresentations of the truth without affording an opportunity for opponents to respond."

I believe such a warning will have the same impact as do warnings about cancer on cigarette packages — absolutely none. There must be stronger legal protections against the most blatant abuses of the rules of political fair play. Why not remove from office any candidate who willfully conducts a campaign consisting of statements known and demonstrated to be false? I leave the language to the First Amendment experts. But without some kind of drastic step, California politics could become a very ugly business.

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Has California launched a national health revolution?

By ED SALZMAN

In a decade or two, Americans may look back at the California state budget package of 1982 as the start of a revolution in American medicine. Because of shrinking revenues, a great deal of attention has been directed at the Legislature's problems in making ends meet this year — with the net result an appropriations bill that marks the first step backward since World War II. The numbers in the budget will be mere statistics some years hence, but the health-cost reforms enacted in conjunction with the budget probably will have ramifications that will affect the entire nation.

Ever since its inception in 1965, the Medi-Cal program has been based on the principle that the state's poor citizens should be admitted to the "mainstream" of California medicine. That has translated into the use of a fee-for-service system in which the state and its partner in the program, the federal government, were billed by hospitals, doctors and other providers for services rendered to each patient. Over the years, there have been numerous attempts to steer Medi-Cal patients into so-called health-maintenance organizations akin to the Kaiser Foundation or the Ross-Loos group. But these efforts were largely unsuccessful, and the fee-for-service system has remained in force. Medical lobbies have fought hard and successfully against efforts to reduce state outlays for Medi-Cal patients, and the cost of health care rose faster than inflation.

This year, the hospital and physician lobbyists no longer were able to keep the lid on the legislative pressure cooker. Facing an enormous revenue gap caused by tax cuts and adverse economic conditions, the Legislature was forced to distribute the pain among virtually every major consumer of tax dollars. The health-care providers were not able to be excepted, especially when Medi-Cal costs were rising so rapidly that some lawmakers feared that the program could bankrupt the state.

If lawmakers had merely followed the cutback practices of the past, they probably would have stopped with relatively mild steps like reducing eligibility and by shifting responsibility for some 270,000 "medically indigent" patients to the counties. The Legislature did that — but the conference committee working on the Medi-Cal problem went much farther. It put an end to the open fee-for-service program. Hereafter, the state will enter into contracts with hospitals to make services available to the poor at preestablished rates. William A. Guy, a former Blue Cross executive, will serve as the first contract negotiator or Medi-Cal "czar." In the future, negotiations will be overseen by a seven-member commission.

Had the Legislature stopped with the Medi-Cal program, it is entirely possible that the reforms would be limited to the federal-state program affecting welfare recipients. But the Legislature went one giant step farther. It adopted a plan proposed by health-insurance firms extending the health-provider contract services to the private sector. This means that Blue Cross, for example, hereafter will be able to negotiate contract rates with hospitals and doctors. Patients will be allowed to get services only from those providers who are under contract.

Beverlee Myers, the state health director, said the reform plan enacted by the Legislature is the first of its kind in the nation. It steers a middle course between a system of socialized medicine, such as that used in some European nations, and unrestricted private enterprise that has been traditional in the United States. If the system works, California will have a dual system. Those in Medi-Cal and insurance plans will have limited choice. Those who pay their

The Eight Brown Budgets

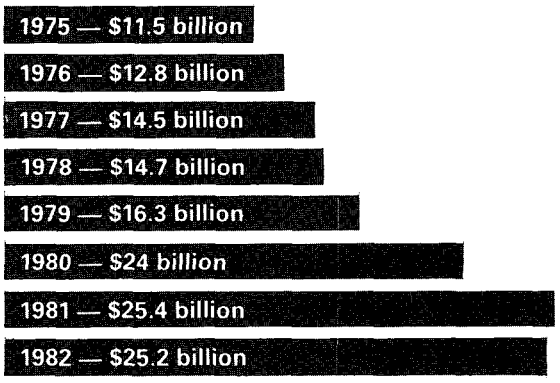
How much has state spending grown during the eight years of the Jerry Brown Administration?

Brown's first budget totaled $11.5 billion in 1975, and this year's total is $25.2 billion — an increase of some 119 percent.

But that percentage doesn't tell the whole story. Starting with the 1980 budget, the total was inflated by about $5 billion in local-government bailout funds resulting from the enactment of Proposition 13 in 1978. (In 1979, the Legislature appropriated bailout funds in a separate bill from the budget. Thereafter, the bailout money was included in the budget.) If bailout funds are excluded, the increase in state expenditures during the Brown governorship amounted to 74 percent.

During the eight years Ronald Reagan served as governor, budgets increased from $4.9 billion to $10.2 billion, or 108 percent.

The following chart shows the budget trend during the Brown years:


1975 — $11.5 billion
1976 — $12.8 billion
1977 — $14.5 billion
1978 — $14.7 billion
1979 — $16.3 billion
1980 — $24 billion
1981 — $25.4 billion
1982 — $25.2 billion

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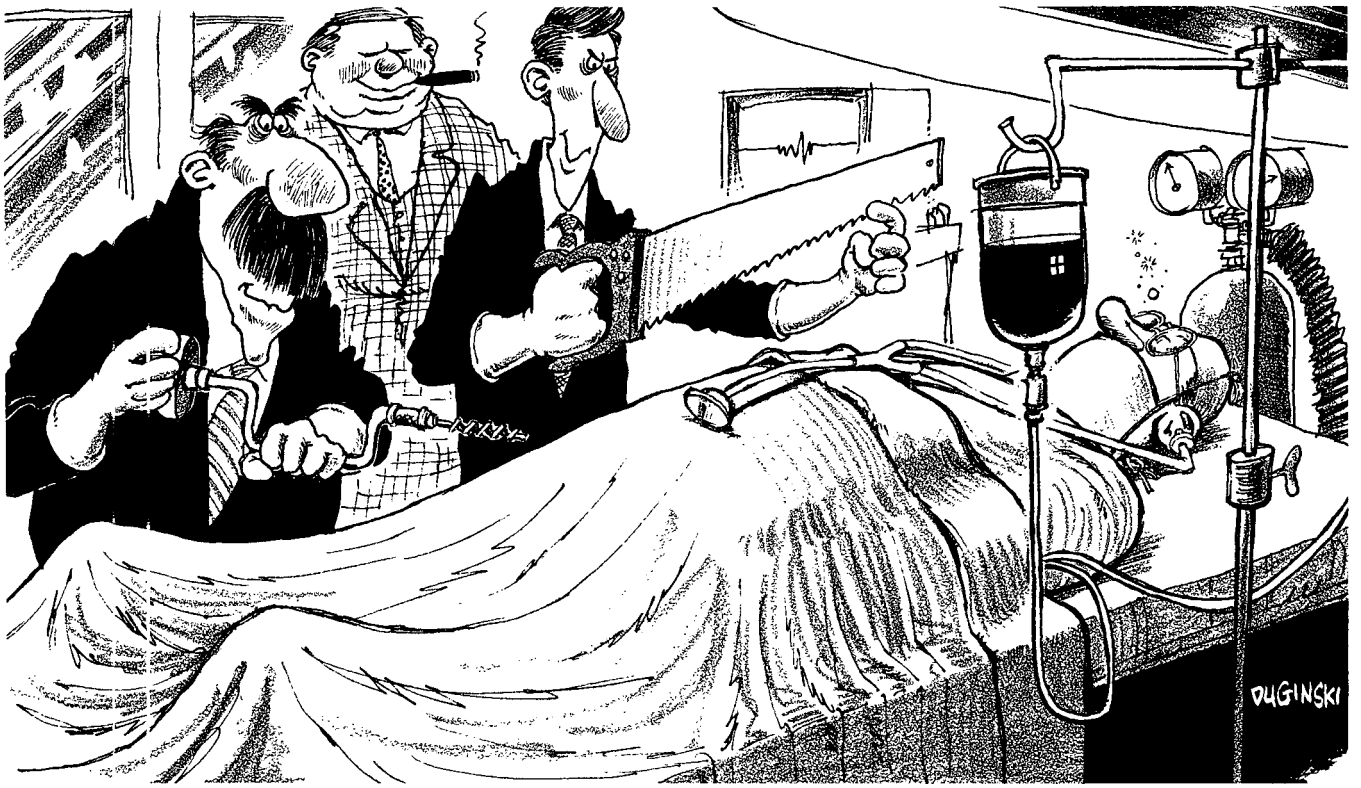

own bills can use any provider under the fee-for-service system.

The success of the reforms hinges on an adequate supply of hospitals and doctors. If there is a shortage, the state and the insurance companies will not be in good bargaining position. But Governor Jerry Brown claims that there is a surplus of hospital beds and physicians and that the health field should become a buyers' market if the law of supply-and-demand comes into play through competition between groups offering similar services.

Assemblyman Richard Robinson, chairman of the committee that hammered out the reforms, claims that the state will save some $340-380 million this year through changes in Medi-Cal, and about $140 million of that is attributable to hospital-cost savings resulting from the contract system. It will probably be many months before the contract system goes into effect for the 3 million Californians on Medi-Cal. Savings presumably would be much greater next year, especially if the contract system spreads throughout the health industry. As the plan is now envisioned, the contract system would provide all services except emergency treatment. Contracts will be given to those providers offering the best service for the least cost. In time, it is possible that most Californians will be funneled into medical groups akin to Kaiser and Ross-Loos.

The ritual dance

The significance of the health reforms was obscured somewhat by the Legislature's return to the June budget ritual dance after a lapse of one year. Last year, lawmakers passed the budget before the June 15th constitutional deadline with a minimum of rhetoric. Normalcy was restored this year, with bickering between the Senate and Assembly and the usual partisan strategic moves between the Democrats and Republicans in the Assembly. The $25.2 billion budget -- a $235 million drop from last year's budget — went to Governor Brown only a few hours before the start of the new fiscal year, and he signed it without alteration.

Without doubt, this was the most painful budget in generations. Legislators had to reduce expenditures and speed up tax collections to make last year's budget balance even before tackling the new one. In the final hours of the fiscal year, the state controller's office worked feverishly to rip open envelopes containing tax payments to end the year with a cash surplus of a mere $33 million (and that includes a loan of $15 million in state contingency funds).

The necessity to draft a share-the-pain budget was caused by a combination of factors: lower-than-normal revenues as a result of the downturn in overall economic conditions; eradication of the surplus used for several years to help bail out local government; the cumulative effect of the property-tax cutbacks in Proposition 13 and the application of a cost-of-living index to the state income tax; virtual

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elimination of the state inheritance and gift tax; an unwillingness by legislators to raise other taxes. The state ended the last fiscal year essentially with an empty larder. The Legislature felt it prudent to include a reasonable reserve in the new budget, and that took some $466 million out of the stream that otherwise might have gone to local government, schools and welfare recipients.

Here are some key elements of the budget:

- **State employees.** The Legislature dipped into pension-fund reserves to provide some fringe-benefit improvements for the state's 220,000 workers. No funds for pay raises were appropriated.
- **Welfare.** No increases will be given to those on the aid-to-families-with-dependent-children program. The aged, blind and disabled will get a 2.5 percent increase in federal money. Under previous law, all welfare recipients would have been entitled to full cost-of-living increases.
- **Public schools.** A small increase of less than 2 percent is provided, in essence to protect teachers against pay cuts. Additional funds will go to schools if reserves materialize by the first of the year.
- **Universities.** The state did not increase appropriations, but the University of California can boost income with a suggested hike in student fees of $200 a year (to $1,194). Fees for students in the State University system will rise $100 (to $416).
- **Abortion.** Lawmakers again went through the motions of passing language restricting Medi-Cal abortions. The state Supreme Court has already ruled that the language is unconstitutional.
- **Local government.** Proposition 13 bailout funds to local government topped $6 billion. Allocations were cut about $270 million, and cities took most of the pain. Cities would have received about $300 million without a cutback, and now they will get only about $100 million. The Legislature operated under the theory that cities can absorb more pain than counties or special districts because they have alternate sources of income. Of the state's 420 cities, 321 will lose all bailout funds.
- **Increases.** Additional funds were allocated to the Department of Corrections to house and guard the state's burgeoning prison population. Governor Brown won some $22 million of the $49 million he requested for an "investment in people" program that would keep California in the forefront of modern technology through education and job training.

In a sense, the Legislature has been forced to mortgage the future to balance the 1982-83 budget without increasing some taxes. It is relying on the sale of bonds at historically high interest rates to solve some problems. It is borrowing from pension funds. It is creating demand for increased expenditures by those who have been forced to go without this year. Local government is being forced to delay maintenance of facilities and to reduce services.

And the prospects for a less painful budget next year are not good. Former state Senator Albert S. Rodda, executive secretary of the Commission on State Finance, says that the basic problem is that much of the elasticity has been removed from the state tax structure through Proposition 13 and the permanent indexing of the income tax.

Nevertheless, the state Department of Finance thinks the state may not be forced to adopt such stringent austerity measures next year — if the economy rebounds sharply. Mary Ann Graves, director of finance and an economic forecaster by profession, feels that there is enough flexibility in the sales and income tax to provide for a major uplift in revenues if the economy improves significantly.

However, there are those who feel that the budget is optimistic and that the 1982-83 budget will suffer the same fate as the 1981-82 package. If that should be true, the $466 million surplus could disappear and further economy moves might have to be instituted before next June 30th.

But that will be long after this November's election is over. And the election was responsible for the partisan games being played by legislators. Republican Charles Imbrecht, who won an endorsement from the California Teachers Association in his tough Senate battle with Gary Hart, led a fight for more money for schools — even though his party generally wanted to reduce expenditures. And Democrat Bill Lockyer refused to vote for the budget because he did not want to give an issue to his Senate opponent, Assemblyman Gib Marguth.

Games of that sort are commonplace in election-year budget maneuvers. This year's budget will be remembered because of the way the state is weathering the fiscal crisis — by eliminating automatic cost-of-living increases and especially by revolutionizing the system of health economics.

"This is tough to say," commented assistant state finance director Clifford Allenby, "but we absolutely need this kind of year. Without it, we never could have reformed Medi-Cal. The doctors never would have taken this kind of a licking in an ordinary year."

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The long life of death-penalty cases

By CAROL R BENFELL

The state Supreme Court's handling of death penalty cases in the past five years threatens to make the court again the subject of heated political controversy.

In 1977, when the Legislature enacted a new capital punishment law, it gave a condemned person a right of automatic appeal directly to the high court. It also gave the court 150 days to rule on the appeal.

Supporters of the law deliberately skipped the intermediate Court of Appeal and created the time limit to avoid the lengthy appellate delays which were partly responsible for the overthrow of the state's previous death penalty law.

But instead of taking the statutory five months to rule — plus some minimal time for obtaining the trial transcripts — the high court is taking an average of 20 months per case and shows no sign of picking up speed.

Court records reveal an explosive situation: Death appeals cases are taking much longer than anticipated, and there are more of them all the time. In the 15 death appeals decided so far, the court took an average of 1½ months just to appoint an attorney to represent the convicted man; an average of 7½ months to verify the trial transcripts and obtain the defense attorney's opening appeal brief; 6½ months — more than the entire statutory period — to review the transcripts and briefs in preparation for oral arguments by the attorneys; and an additional five months after the arguments to rule.

Thirty of the 96 death cases now before the court have been pending even longer than that 20-month average. Six have been there longer than three years.

The court has been ruling at a relatively steady rate of three or four cases a *year*. But cases are now pouring into the court at a rate of three or four a *month*.

Seven death cases were appealed to the high court in 1978; 20 in 1979; 24 in 1980; and a whopping 40 in 1981. At the present rate, some 52 to 56 cases will be lodged with the court in 1982 alone — more than in the first three years combined. If the court continues at its present pace, it will need until 2006 just to finish the present death caseload, let alone deal with the cases lodged in the intervening years.

Carol R. Benfell covers the state Supreme Court for the Oakland Tribune.

The ordinary 'extraordinary'

A direct confrontation with the Legislature has been avoided so far only because the 1977 law allows the court to take longer than 150 days if it files a statement that the case is extraordinarily difficult. These statements have been filed in every one of the 15 cases in the past five years.

Even the court's staunchest defenders say this practice cannot continue indefinitely without affecting the court's credibility. "Whenever the legal system purports to do something and then doesn't do it, people jump on the court," says Donald Barrett, the court's senior research attorney who retired last fall.

"The whole system is charged with the idea there is some reliable way to pick out the percentage of killers who should be killed, when it's a hopelessly impossible task," Barrett adds.

The court's critics are less charitable. They maintain that the justices — a majority of whom are personally opposed to capital punishment — simply don't want to impose it.

Attorney General George Deukmejian, Republican nominee for governor, authored the death penalty law when he was a state senator. "He started out to make the time less than 150 days," says Deukmejian press secretary Tony Cimarusti. "These delays don't help anybody but the murderers."

There are three major reasons for the court's slow start on death penalty cases:

- **The court has** undergone an unprecedented turnover.
- **The initial cases** on any new law raise the most difficult questions. They set the precedent for later cases and, of necessity, are examined more painstakingly.
- **Most of the delay** is due to the internal procedures the court has adopted in handling death appeals. It has taken, for example, anywhere from one day to six months for the court to find an attorney to handle the convict's death appeal. Only in rare cases can a convict afford his own lawyer or will the trial lawyer continue on

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through the appeals stage.

The public defender's office, created especially to handle indigent criminal appeals, is swamped with cases and can represent only about one-third of those on death row. An attorney in private practice must be found to represent the remaining two-thirds. Competent, experienced lawyers have frequently been reluctant to take the cases. Some simply don't want the emotional turmoil that inevitably accompanies defending a man sentenced to die; others hesitate because of the money and the time.

Until last year, the court could pay a lawyer only a flat fee of $1,400 for the 300 to 400 hours of time a death appeal case consumes — about $4.75 an hour, less expenses. By comparison, a criminal attorney in San Francisco expects to earn $125 to $150 an hour.

Chief Justice Rose Bird succeeded in persuading the Legislature to raise the fees for death cases to $40 an hour "for all allowable hours." This improvement makes it possible for more attorneys to take these cases, but it does not resolve the difficulty of sandwiching the hundreds of hours required into the rest of a private practice.

"No attorney in his right mind" would take a death case, even at $40 an hour, if the 150-day rule were absolute, claims attorney Michael Millman, statewide death penalty coordinator for the public defender's office.

The transcript treadmill

The longest death case delays generally occur in a stage that drafters of the law believed was a simple technical step: obtaining the trial transcript from the lower court. Transcripts of death trials — the most complex in the criminal justice system because of their multiple phases — regularly run between 10,000 and 12,000 pages.

Some delays occur because the trial records must be transcribed by the same court reporter who took them — and the reporter is often working full-time during the day transcribing new trials. But most of the time is lost after the records are received, as attorneys wrangle over their completeness and accuracy.

Every time the accuracy of some portion of the transcript is challenged, the court allows that portion to be sent back to the trial judge for verification. The records can go back and forth an unlimited number of times — each time waiting for the trial judge to find time to review them.

Sometimes an attorney will charge that a hearing held outside of the jury's presence affected the jury. Then those hearings, too, must then be transcribed and verified. Occasionally, disputes about these peripheral hearings rise to such a pitch they must be resolved in separate, lower-court-level *habeas corpus* hearings before the main case can move forward.

The attorney general's office, which handles criminal appeals for the prosecution, charges that defense lawyers and the court are using this piecemeal process to stall for time because the 150-day rule doesn't begin to operate until the record is approved. Deukmejian is backing legislation which would require the trial lawyer to order the transcript immediately at the close of trial, instead of waiting for the appellate lawyer to be appointed. All questions of accuracy would be hammered out in one ominibus hearing before the trial judge.

Once the record is approved, defense attorneys have 30 days to submit their opening briefs; prosecution attorneys have 30 days to respond. After that, court staff members read the transcripts and briefs and prepare summaries and memoranda for the judges. Then oral arguments are heard, and a decision is reached by the seven justices.

There is little question that the irrevocable quality of death cases weighs heavily on the justices. Death appeals are "the equivalent of sometimes five to 10 separate opinions, because there are so many issues that have to be researched," Bird said in a recent interview with the *Los Angeles Times*. "And, of course, always when you are dealing with somebody's life, you want to make certain that they were given a fair trial before you kill them."

The cases are also harder on the justices because there is no Court of Appeal briefing before the case reaches the court. "Except in PUC (Public Utilities Commission) and State Bar cases, our work is usually limited to lawsuits where the Court of Appeal has done the initial screening process," says Justice Newman. "We're on our own in death cases."

Newman adds that attorneys are careful to raise "every conceivable issue" in their briefs. This is partly good lawyering, and partly a response to a recent court ruling which reversed a conviction and labeled the defense lawyer incompetent for failing to recognize an area for appeal. No lawyer wants to be stigmatized like that in perpetuity in the law books, says Newman.

The 150-day rule "wouldn't work even if the court had only one case a year," comments University of California Professor Preble Stolz, author of *Judging Judges*, an analysis of the state Supreme Court.

The death penalty law gives the court less time than any other kind of appeal, civil or criminal, Stolz says.

Nevertheless Stolz and others see ways the court could move the cases more quickly, even if not within 150 days:

- **Retired judges** could be appointed on a rotating basis to read the lengthy trial records and prepare summaries, freeing staff for other cases.
- **Death appeals** could be cross-referenced by issue. Cases in which all issues have been resolved by earlier rulings could be sent to the Court of Appeal for decision.
- **Stolz suggests** that the court create a "death penalty team" of research attorneys to work only on death appeals, hiring additional staff if necessary.
- **He also recommends** that the court openly acknowledge its burgeoning backlog and ask the legal community and the public for help.
- **Ralph Kleps**, former director of the Administrative Office of the Courts who resigned shortly after Bird took office, says staff on the California high court is not being used to the best advantage. The chief justice, he suggests, is reluctant to rely fully on staff and "tries to do everything herself."

Moving more smoothly

The State Judicial Council, chaired by Chief Justice Bird, has proposed several new rules to help the death cases move more smoothly. They include giving the Supreme Court clerk direct responsiblity for moving the cases along; allowing transcripts to be corrected by addendum rather than requiring the transcript to be completely retyped; and requiring all papers and records pertinent to a case to be sent to the court at the time the trial transcript is sent, instead of waiting for attorneys or the court to request them.

Bird also attempted earlier this year to transfer four death cases, in which issues had been resolved earlier, to the Court of Appeal. Lawyers in the cases objected, however, and the court has taken no further action.

The chief justice also requested an additional research attorney and additional secretarial help for each justice in the 1982-83 state budget. The governor approved her request, but the legislative analyst recommended against it and urged the court's budget be trimmed by $400,000 instead. In the state's current fiscal crisis, getting more money for any purpose is difficult — even if that purpose is speeding up death penalty decisions.

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Will the court uphold the 'Victims' Bill of Rights?'

By DENA COCHRAN

Caution, confusion and controversy.

Those three words sum up the state of affairs in the California criminal-justice system since the passage in June of Proposition 8, better known as the "Victims' Bill of Rights." Caution is inevitable because a lawsuit to declare Proposition 8 unconstitutional was filed the day after the election. Confusion is universal because no one is really certain when the various parts of the constitutional amendment take effect. Controversy abounds because nobody knows what will happen to schools, county budgets, the criminal-justice system and victims themselves if Proposition 8 is upheld.

The initiative was likely the most wide-ranging criminal-justice measure ever put to a direct vote of the people in any state. It makes sweeping changes in California's evidence, bail, sentencing, and plea-bargaining laws. It also mandates restitution to crime victims, guarantees students safe schools, abolishes the mentally disordered sex-offender program, and eliminates the diminished-capacity defense which had already been abolished by the Legislature.

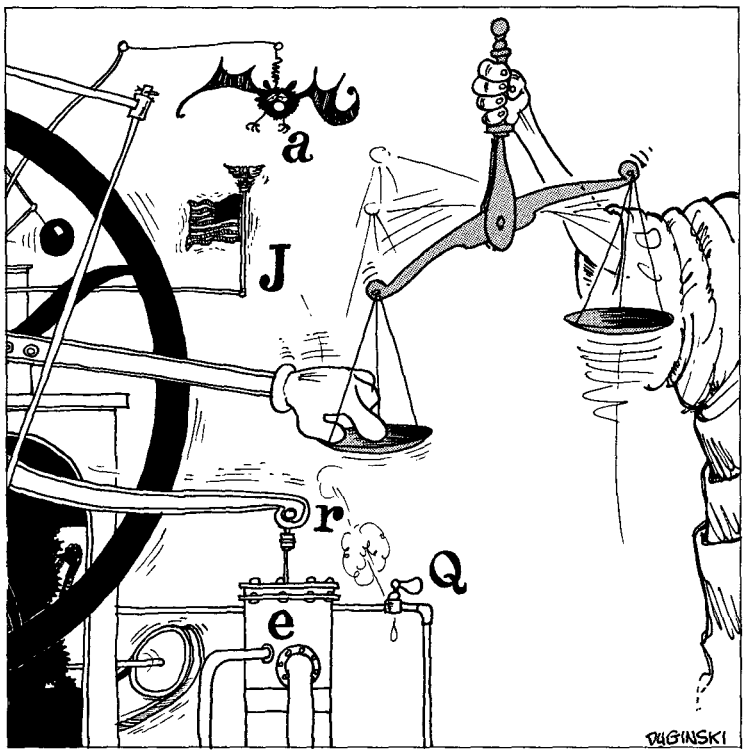
The "Victims' Bill of Rights" changes both the state constitution and statutory laws passed by the Legislature. It contains a provision which prohibits the Legislature from changing any part of Proposition 8 except by a two-thirds vote of both houses or by a direct vote of the people — both of which are difficult to obtain. In addition, it contains a severability clause which provides that if any of its provisions are declared unconstitutional, the rest will still stand.

The severability clause may be of great importance when the lawsuit challenging the initiative is heard in court. The suit alleges that the proposition is inconsistent, confusing and "likely fraudulent," and that it violates the provision in California's constitution which requires that initiatives be limited to a single subject. There are 11 different major sections in Proposition 8, ranging over a broad spectrum of criminal laws. But the one most likely to be scrutinized by the court for a violation of the single-subject rule is the right to "safe schools." Generally the courts have allowed initiatives challenged on the single-subject rule to stand if their provisions are related closely enough. Many observers argue that the right to "safe schools" is not at all closely related to the initiative's other provisions, all of which are matters of criminal law.

One who doesn't buy that argument is Attorney General George Deukmejian whose office has distributed a 165-page manual to county district attorneys explaining the initiative and advising them of how to use it in court. In it he argues that the overall purpose of the initiative is "increased protection of victims and potential victims of crime." Following that line of thought could lead to the conclusion that the right to "safe schools" is a provision increasing the protection of students who are the potential victims of crime.

The suit to block the initiative was filed in the First District Court of Appeal in San Francisco by James Brosnahan, Robert Raven, a former president of the State Bar, and Ed Foglia, president of the California Teachers Association. Brosnahan is the same attorney who filed suit with the Supreme Court before the election to prevent Proposition 8 from appearing on the ballot.

The court let the initiative stand, deciding "to review constitutional and other legal challenges" only if it was approved by the voters. Chief Justice Rose Bird and Associate Justice Stanley Mosk filed a dissenting opinion saying the initiative failed the single-subject test.



On June 14th the attorney general's office asked the California Supreme Court to take over the latest "Victims' Bill of Rights" suit — a move that may have caused four of the court's seven justices some sleepless nights. Those four are Allen Broussard, Otto Kaus, and Cruz Reynoso Jr., recent appointees who will be on the November ballot for voter confirmation, and Chief Justice Bird who is the target of an on-again, off-again recall campaign.

At a speech in San Diego on the same day his office requested the Supreme Court to take the suit, Attorney General Deukmejian told an audience that he believed the suit against the initiative was filed in the Court of Appeal instead of the Supreme Court to protect the Supreme Court justices from political fallout if they should strike down the "Victims' Bill of Rights" before the November election. Nevertheless, the Supreme Court decided on June 30th to tackle the case itself.

While granting the expedited hearing, the court refused

Dena Cochran is a free-lance writer in Visalia.

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to block implementationof the measure pending a final decision on its legality. Two justices — Stanley Mosk and Reynoso — voted to grant a temporary stay.

The political repercussions for the court of a decision against the initiative may be less disastrous than most observers would have predicted before the election. That is because the initiative was not given an overwhelming vote of approval by the people. Compared with Proposition 4, the legislative constitutional amendment tightening bail restrictions, Proposition 8 barely squeaked by. Proposition 4 received more than 4 million votes — an overwhelming 83 percent — while the "Victims' Bill of Rights" received nearly 1.5 million fewer votes, only 56 percent. It passed by a margin of only 619,000 out of more than 4.8 million votes cast. (The larger number of "yes" votes for Proposition 4 means that its provisions will supersede the bail-restriction provision in the "Victims' Bill of Rights.")

The dilemma for judges

Meanwhile, caution is the byword for the state's trial judges while awaiting a decision regarding the initiative's constitutionality. "I've got to take the cautious approach until we have further direction from the appellate court," says Tulare County Municipal Court Judge Walter Gorelick. "I don't have time to re-try any cases that are appealed because I applied Proposition 8 rules. I'm barely staying above water now."

Los Angeles County Superior Court Judge Julius Leetham, who supervises that court's criminal division, has somewhat different ideas. "I think we must presume it's legal," he told a recent meeting of Los Angeles judges, prosecutors and defense attorneys. "I have faith that there is a great well of rationality that can be brought to bear."

Superior Court Judge David Fitts of Santa Monica strongly disagrees. "I'll be damned if I'll jeopardize a really important case until this is straightened out," he told one reporter. "I'll make the more restrictive ruling on evidence, and that way everything will hold up regardless of what happens."

Proposition 8's evidence rule is only one of several sources of confusion surrounding the initiative. In theory it took effect the day after the election, yet even that simple rule fails to hold completely with this initiative. For one thing, some provisions — such as the one guaranteeing crime victims the right to restitution — specifically require legislative enactment. When the Legislature will get to that is anybody's guess.

With some other provisions it's difficult to tell whether they will require legislative approval or not. For example, the right to truth-in-evidence provision all but eliminates California's Evidence Code provisions. Will they be replaced by new provisions or will the courts fall back on federal evidence law? At this point no one is sure.

Another cloud of confusion surrounds the courts in their efforts to apply the "Victims' Bill of Rights" to cases now under way because there is often a delay of months between the time when a crime is committed and the time when the case is brought to trial. As a result, most persons now being tried in the California courts committed crimes before passage of Proposition 8. This state of affairs will continue for some time in most courts.

This makes for particularly sticky going even if the initiative gets the seal of approval of the state's high court, for the *ex post facto* provisions of the state and federal constitutions come into play. *Ex post facto* (after the fact) relates to punishment but not procedure and makes it illegal for the state to change a law after an event and then use the new law to inflict harsher punishment on the accused.

Both judges and attorneys are tiptoeing around this issue because it could cause the number of cases overturned to skyrocket. As with all other aspects of this initiative, not everyone agrees on which provisions can be used because of *ex post facto* limitations. In all probability the sections eliminating the diminished-capacity defense and lengthening sentences will not yet apply while others, in particular the new evidence rules, will be used immediately.

The meaning of 'safe schools'

One of the most controversial provisions of the "Victims' Bill of Rights" is the seemingly innocuous "right to safe schools," as is evidenced by the fact that the president of the California Teachers Association was one of the persons bringing suit to block the initiative.

What remains to be seen is whether this will lead to lawsuits against school districts for failing to provide "safe schools," whether police costs will rise with a requirement for more security on school grounds and whether it will be used as a tool against school desegregation efforts.

Civil litigation lawyers across the state are wondering whether Proposition 8's plea-bargaining limitations will run them out of court. Their fear is that with less bargaining, more criminal cases will go to trial. That will leave less time for civil matters over which criminal cases take precedence.

Other attorneys, in particular members of the Los Angeles County Bar Association, claim that the initiative actually strips some crime victims of legal protections formerly contained in the state's evidence laws. Citing rape victims as those most clearly affected, they say that such victims can now be forced to answer questions in court regarding their prior sexual conduct if the defense attempts to lessen their credibility. The women also can be required to give their addresses and phone numbers in open court — a result which could discourage many victims from testifying.

Perhaps the greatest unknown in the initiative, the one most likely to affect nearly every California resident, is its cost. Los Angeles County recently published an analysis which predicted that Proposition 8 will cost the county $56 million a year, plus $35 million in first-year start-up costs and a possible $80 million for expanded jail facilities to accommodate increased population resulting from the initiative's provisions.

There is a rule of thumb that Los Angeles County costs usually constitute 25 percent of total county spending in California. Applying that rule, Proposition 8 could result in a total first-year added cost to local government of about $360 million, followed by $224 million every year thereafter, excluding new jail and prison costs.

The counties would get no help from the state in paying bills, even if the state had the money. That is because Proposition 4, which was passed in 1980 and which requires the state to reimburse the counties for all new mandated programs, specifically exempts the state from responsibility for paying costs resulting from initiatives. (Citizen-activist Paul Gann was the sponsor of that proposition, as well as the "Victims' Bill of Rights.")

Backers of Proposition 8 say that the Los Angeles County cost estimate is high. County officials hope that is true, because most counties are already in dire financial straits. There is also hope that costs may gradually decrease, as Proposition 8 backers predict, because of longer sentences for repeat offenders. Such offenders will be reprocessed through the criminal justice system less often as a result of being in jail longer, say initiative supporters.

Even if all or part of the initiative is declared constitutional by the courts, the legal battles over its meaning will continue for years. In 1978, voters rewrote property-tax law by approving Proposition 13, and the impact on government finance is only now becoming clear. The significance of the voters' rewrite of criminal law this June may only be understood years down the road.

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The new politics of cable television

By DONALD A. SIZEMORE

Cable television holds out the promise of much more than additional entertainment — services such as banking, shopping and working at home, burglar and medical alarms, "narrowcast" local programs, so-called public access, and much more. As the cable industry puts it, America is becoming a wired nation.

What will cable television do to the national, state and local systems of government and politics? Already, the vast profit potential of this growing industry has put enormous pressure on city councils and county boards of supervisors. Some of the technological capabilities of the relatively new medium have profound implications for the future of the democratic process.

There are at least three arenas in which the combination of cable TV and politics is significant: in the high-stakes franchising competition, in the techniques of campaigning for elective office and in the long-range coverage of government.

Franchising: Rent-a-citizen

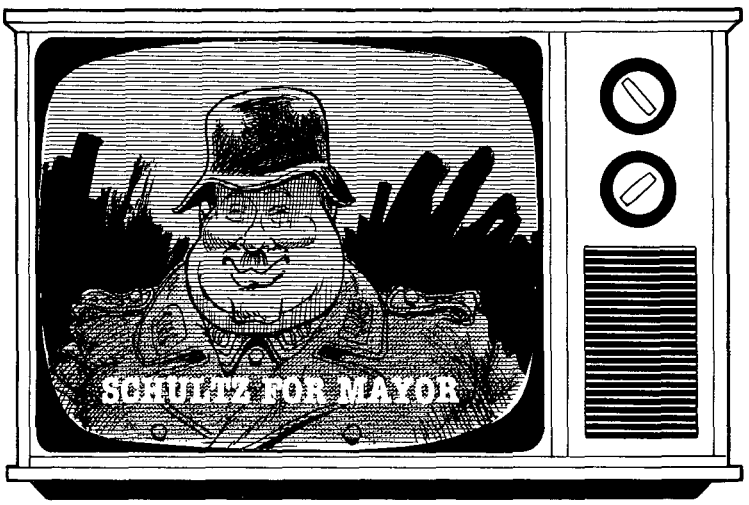
To understand what is at stake when a city council or board of supervisors awards a cable franchise, think money. Profits make possible the new services that cable television will offer a community. According to the Federal Communications Commission and industry sources, cable television revenues will reach $20 billion by 1990. Already California has become the nation's largest cable market with more than 2 million subscribers. Eventually, the industry sees more than 60 percent of California's homes hooked into cable systems.

Not all this money will go to the private sector. Federal law permits local governments to charge up to 5 percent of a system's gross revenues as a franchise fee. In Proposition 13 country, new sources of governmental income are rare and endangered species. Also, most cable systems offer local government impressive new facilities such as production studios and video equipment.

Cable companies must have government permission to put their cables on public rights-of-way, such as streets. This gives local authorities some control over the companies, and this control is spelled out in the franchise granted by the city or county. For all practical purposes, such franchises give one corporate entity an exclusive right to build and operate a cable system.

This local authority, combined with the profit potential, means that the competition for franchises is often fierce and intensive. Competing companies are willing to engage in expensive lobbying activities in order to convince city council members or county supervisors to grant them franchises.

The lobbying process begins with the hiring of politically savvy and influential local consultants. These people are not chosen for their knowledge of cable television or community needs. Rather, they are experts on the local officials and the political arena. These "consultants" trade upon the special relationships they have established with the local authorities in order to gain improved access and credibility for their employers. Consider the example provided by Santa Ana in Orange County, potentially one of the most lucrative cable



markets in the state. Cable companies hired former campaign managers, major fund-raisers, former county supervisors, and local kingmakers with reputations for helping local officials gain higher office as "consultants." All of these people had political relationships with the city council members they were attempting to influence. Some had been close personal friends for years.

The next stage in lobbying is to line up support for a company's proposal among influential community groups. Such support is gained by tailoring parts of the franchise proposal to benefit the goals of these groups. Thus, one company might dedicate a portion of its revenue to the maintenance of a deficit-ridden art museum. Another company might include Spanish-language programming to get community pressure directed toward a Hispanic council member. By this process, a company creates as large a constituency as possible for its cable package. In the hot Santa Ana competition, one of the firms presented a studio blueprint containing offices labeled "Hispanic/Asian Project," "School District" and "Santa Ana College."

Finally, there is the most controversial franchise-winning tactic of all — rent-a-citizen. Prominent local people are given stock in the subsidiary which will operate the franchise. These individuals are usually part of the local political scene and important to the continued political success of those who will grant the franchise. Typically, the stock is issued or made available for discount purchase after the

Donald A. Sizemore is a political consultant in Sacramento and former consultant to the Senate select committee that examined cable television franchising and regulation.

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franchise has been awarded. This gives the selected citizens a strong incentive to boost corporate fortunes. But there is another side to the coin. Firms seeking franchises ordinarily have no roots in the communities where they seek to become cable operators. These rent-a-citizens can wield power within the corporation to protect community interests.

Few public servants, elected or appointed, have the time or background to understand fully what cable television will mean to their communities. Local government frequently calls in consultants to develop "needs assessments" and to evaluate the responses to the request for proposals for a cable system. But frequently local governments get standardized packages that scarcely reflect a community's makeup or service needs. And it is not unusual for cable companies to be able to orient their proposals toward specific consultants whose evaulation systems have been studied. Thus, what looks good on paper may well bear no relationship to reality.

One example of this is the growing awareness among local officials of "interactive" systems. These are cable set-ups that permit active participation by viewers, such as shopping at home or making ticket reservations. More and more cable companies are offering interactive features as part of their franchise-winning efforts. Local officials are pressured to accept them in order to have as modern a system as neighboring communities have. Yet, a recent survey shows that consumers have little interest in such services. Only 10 percent showed a desire to shop at home. Nearly 30 percent feared that interactive television would lead to some sort of invasion of privacy. Apparently there is considerable difference in perception among the cable companies, local government and the consumers as to the services cable television should provide.

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LegiTech

Critics of the local cable-franchise process feel that the system could be improved substantially if the following steps were taken:

- **Eliminating** hasty decisions, giving staffers and elected officials plenty of time to study all the alternatives.
- **Restricting** lobbyists and company representatives from applying undue pressure on local officials.
- **Forming** a broad-based community advisory panel in each community. This would eliminate the competition between competing firms to line up influential community members for their bids. The advisory panel would also reduce the reliance on outside consultants.
- **Prohibiting** executive sessions in the decision-making process.

Critics argue that the failure of local government officials to address the problems of cable franchising could lead to state control of the franchise and renewal powers. In fact, the bitter Orange County dispute prompted Assemblyman Richard Robinson of Santa Ana to introduce legislation that, in its original form, would have given control of franchising to the state Public Utilities Commission. The bill was eventually watered down to an arbitration role for the state before it was killed. The League of California Cities led the assault on the measure and also succeeded in winning numerous amendments to a bill, by Assemblyman Bruce Young, designed to prevent cities from regulating the rates of cable operators.

Some local officials have become quite sophisticated in the world of cable. One of them is City Manager Wayne Wedin of Brea, who says there is a considerable difference between the earlier round of franchising and what is happening today as new territory comes up for bidding. City officials are now much more aware of the basic economics and technology of cable than they were 10 years ago, Wadin says. He points out that the National League of Cities has produced a code of conduct to help local officials become more capable of handling cable problems. Regulation of cable television should be done at the local level so communities can obtain services that may be unique to their areas, he believes.

A few communities have resolved franchising problems through public ownership. The largest publicly owned system in the country is in San Bruno south of San Francisco. San Bruno produces a profit of $200,000 a year, and some of the money is being reserved for modernization of the system. The San Bruno experiment was attacked as a dangerous precedent that could lead to government control of information and news services. In Davis, near Sacramento, a cooperatively owned system is being developed. Instead of paying fees to a corporation, each subscriber would become a shareholder. Profits would be returned to subscriber-shareholders or used to lower rates. However, these are the exceptions. Most California communities have chosen to give private enterprise an opportunity to provide cable television for their communities. One major drawback to public ownership is the tremendous amount of capital that might be needed to build the network.

Campaiging: Target an audience

Questions are arising about the impact of the "narrowcast" capability of cable television on the democratic process. Through narrowcasting, programming can be geared to a carefully defined and selected audience, as opposed to the traditional broadcasting reliance on a mass audience. A county, city, neighborhood or even a particular pressure group could receive a targeted program via cable. This audience can be chosen on the basis of almost any criterion: location, income or political affiliation, among others.

The style of local campaigns may be especially affected by the potential of cable television. Typically, such campaigns

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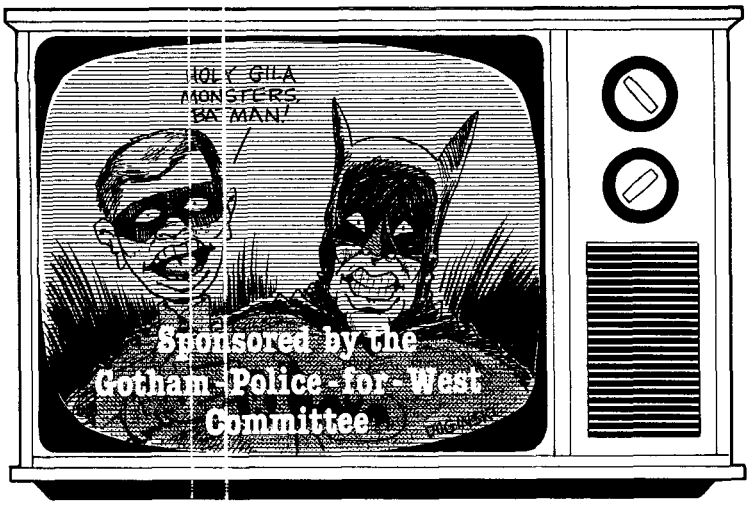

are run on budgets of only a few thousand dollars. Candidates communicate with the voters through personal appearances, newspaper reports and mailings. The most effective tool available to local candidates has been the computerized letter, which allows a candidate to get a tailored message to a targeted audience. It has been unusual for a local candidate to use television advertising, especially in the larger media markets. This is because a commercial will go far beyond the borders of a district, making it an expensive method of reaching a relatively small target group.

Cable television solves this problem by allowing a message to be narrowcast on any one of perhaps 100 channels. Cable Data of Sacramento, the industry's largest software supplier, offers a computer program that matches cable subscriber lists to voter registration rolls for purposes of determining what may be programmed into individual homes. This gives a candidate the selectiveness of direct mail, combined with the impact of television. Already, some of the state's top campaign-management firms — Don Solem and Associates, Butcher-Forde and Hoffenblum-Mollrich, among them — are including cable TV in their campaign strategies. Stewart Mollrich, who manages Republican campaigns, feels that state Senator Dan O'Keefe benefited measurably from his sponsorship of a local golf tournament in Santa Clara County and coverage of the tournament on cable television. The viewers were largely upper-middle-class conservatives whose votes were crucial in O'Keefe's special-election campaign.

Governing: Take advantage

As cable television grows and technology becomes more sophisticated, more and more campaign managers will use it to package candidates and influence voters. It could mean an escalation in the already-high cost of campaigning in California. Voters who may not open campaign mail may find it more difficult to tune out political commercials on the cable stations they are watching. (Or could cable television reduce campaign costs by allowing candidates who now buy spots on large, regional channels to pay much less to reach a selective audience?)

Some campaign strategists believe that it is premature to consider cable a major campaign tool. They argue that viewers can easily escape advertisements by switching to any of 50 or 100 channels. Yet, cable seems made to order for local campaigns — especially in areas where the cost of traditional television is prohibitive.

The hot new concept for local-government use of cable is coverage of city council meetings. Some cities even have a "mayor-and-manager show" in which council actions and community issues are discussed. This undoubtedly increases public awareness of community affairs, but it also gives local elected officials the potential benefit of regular television coverage. And the incumbents' cost for name- and image-building is zero.

Theoretically, such officials will have a decided advantage at the ballot box. Advocates of this type of programming believe that such political advantages are more than balanced by the benefits of expanded local coverage. They claim that increased public scrutiny will lead to more responsible government, and cable will make the local governing process understandable to many more citizens. The advocates also argue that local officials who seek to manipulate cable for their own benefit will run the risk of appearing overly political and perhaps foolish.

Nor are city and county officials the only ones in a position to take advantage of this new television dimension. For a token fee, members of Congress can already get professionally produced, half-hour television programs for showing in their districts. In the name of public service, some California cable systems are running these "reports from Washington" on a weekly basis. Dan Lungren of Long Beach is one of the most effective users of these programs, which show him in action in the nation's capital.

Cable and educational stations can also obtain a "C-Span" service which provides daily broadcasts originating from the House of Representatives in Washington. A similar operation has been under discussion in Sacramento, where a major franchise is expected to be awarded this year.

The cable industry already gives state legislators an opportunity to appear on a "Lawmakers" series. The California Community Television Association says the series "represents an innovative commitment to providing high-quality, informative and exciting programming on a statewide basis to cable viewers." Dennis Mangers, a former assemblyman who now lobbies for the association, is more blunt: "Both from a constituent-service and a purely political standpoint, the possibilities are clearly limitless." The political potential of cable programming was noted by the state Fair Political Practices Commission, which was considering at one time the designation of the "Lawmaker" program as an in-kind campaign contribution. Additional opportunities are provided to legislators by public-access channels. State Senator Jim Ellis of San Diego, for example, has a weekly half-hour show. Former state Senator John V. Briggs once called cable TV "the greatest incumbent-protection device in history."

The new politicking via cable television goes to the heart of the governmental process. And in a democratic nation, perhaps there is no way — other than the development of an alert electorate — to protect the public against the possible misuse of this powerful medium.

The charge cannot be made that California state government has been ignoring cable television. The Young and Robinson bills were among 14 regulation proposals under consideration by the Legislature this year. Most of them deal with subscriber fees and the arbitration of disputes. No one in Sacramento is looking into how cable television may alter the democratic process — for better or worse.

California is rapidly becoming the prototype for a wired America. Already, half the gross product of the nation is related in some way to the information business. Information has become the business of America and California. Cable television has even made universal direct democracy possible because of its two-way communication capability.

The key question now is whether local government — or any other entity — is up to the challenge of regulating such a dynamic force. While the jury remains out on that question, cable television continues to grow in California. The state will have to live with its promise, problems and potential influence on politics and government.

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Docs and ducks

California legislators started their summer vacation in early July after handing the state's physicians a consolation prize. At the end of June, lawmakers gored doctors and other health providers by making revolutionary changes in the state's Medi-Cal program. (See page 290.) But the heavy spending by physicians paid off a few days later when the Senate Business and Professions Committee buried the non-fiscal bill opposed most heatedly by the physicians. That bill, sponsored by the California Chiropractic Association, would have placed on the ballot a measure that would expand the procedures that a chiropractor could perform. Now, the chiropractic organization is threatening to qualify its plan for the ballot in 1984 by initiative.

The last-week flurry of legislative activity may not have placed the chiropractic plan on the ballot, but it did result in five bond issues totaling more than $1.5 billion being put before the electorate in November. Decisions on many major bills were left for the final weeks of the 1981-82 Legislature. Among them: measures that would institute a system of public financing for California elections and that would require emission-control tests for all vehicles in the state's urban areas. The public-finance measure is immersed in the Senate, while the smog bill — long sought by the federal government — was extricated from the Assembly transportation committee after a one-year wait.

Governor Brown signed into law a measure designed to protect new-car buyers from being stuck with "lemons." The measure, authored by Assemblywoman Sally Tanner, defines a "lemon" as a car that is out of service for more than 30 days for repairs or is subjected to four attempts at repair of the same defect. In such cases the manufacturer must replace the car or provide a refund.

Another measure signed by the governor that received a great deal of media coverage legalized the age-old Chinese process of roasting ducks. Hereafter, it is legal to roast a duck by hanging it at room temperature for four hours. Brown was unsuccessful in an attempt to sign the bill in Peking.

Martinez to Congress

The Legislature lost a member on July 13th when Democratic Assemblyman Marty Martinez of Monterey Park won a runoff election to replace George Danielson in Congress. A strong Republican campaign made the race close, with Martinez defeating Ross Ramirez, 14,566 to 13,827. Martinez now will run as an incumbent in November against veteran GOP Congressman John Rousselot.

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through mid-July. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y — Yes **N — No**
***— Absent or not voting**

A 2/3 vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (⅔ = 54 votes)

Senate: 21 votes required for passage of bills needing a simple majority. (⅔ = 27 votes)

SENATE (23D, 17R)	AB 1787	SB 1684	SB 1458	SB 1841	SB 2065	AB 799	SB 1741	SCA 35	SB 1325	AB 21	SB 1504	SB 2001
Alquist (D)	*	Y	Y	N	N	Y	*	N	N	Y	Y	Y
Ayala (D)	Y	Y	Y	*	Y	N	N	N	Y	Y	Y	Y
Beverly (R)	Y	N	Y	*	*	Y	N	*	*	Y	N	N
Boatwright (D)	Y	*	Y	Y	N	Y	*	N	*	Y	Y	Y
Campbell (R)	Y	Y	N	*	Y	Y	*	Y	Y	Y	*	*
Carpenter (D)	Y	*	Y	Y	Y	*	N	N	Y	Y	Y	Y
Craven (R)	*	Y	N	Y	Y	N	N	N	Y	*	Y	Y
Davis (R)	Y	N	N	Y	Y	Y	N	Y	Y	N	Y	Y
Dills (D)	Y	*	Y	*	*	N	N	N	N	Y	Y	Y
Doolittle (R)	*	*	N	Y	Y	Y	N	Y	Y	N	N	N
Ellis (R)	Y	*	N	Y	Y	Y	N	Y	Y	N	N	N
Foran (D)	Y	N	N	N	Y	Y	N	N	Y	Y	*	*
Garamendi (D)	*	Y	N	N	*	Y	*	Y	N	Y	Y	Y
Garcia, A. (D)	*	*	Y	*	*	Y	*	N	Y	N	*	*
Garcia, M. (R)	*	N	*	*	*	*	N	Y	Y	*	N	N
Greene (D)	Y	*	*	*	N	*	Y	*	*	N	Y	Y
Holmdahl (D)	Y	Y	Y	Y	N	Y	N	N	N	Y	N	Y
Johnson (R)	Y	N	N	*	Y	Y	N	*	Y	Y	N	N
Keene (D)	Y	Y	Y	N	N	Y	N	N	*	Y	N	N
Maddy (R)	*	N	Y	Y	Y	Y	*	Y	Y	N	*	Y
Marks (R)	Y	Y	Y	N	*	N	N	N	*	Y	Y	Y
Mello (D)	Y	Y	Y	Y	*	N	N	*	*	Y	*	Y
Mills (D)	*	*	Y	Y	*	Y	Y	*	*	Y	Y	Y
Montoya (D)	Y	*	Y	Y	Y	Y	N	N	Y	N	*	Y
Nielsen (R)	Y	Y	Y	Y	*	Y	N	*	*	Y	Y	N
O'Keefe (R)	Y	Y	Y	Y	Y	N	N	N	Y	N	N	N
Petris (D)	Y	Y	Y	N	N	Y	Y	*	N	Y	Y	Y
Presley (D)	Y	Y	N	Y	Y	Y	N	Y	Y	N	Y	Y
Rains (D)	Y	*	Y	*	*	Y	*	Y	*	Y	*	*
Richardson (R)	N	*	N	Y	*	Y	*	N	*	N	N	*
Robbins (D)	Y	Y	Y	*	N	*	N	N	*	*	Y	N
Roberti (D)	Y	Y	Y	N	Y	Y	*	N	Y	Y	Y	Y
Russell (R)	Y	Y	N	Y	Y	*	N	Y	Y	*	N	N
Schmitz (R)	N	N	N	Y	Y	Y	N	Y	Y	N	N	N
Seymour (R)	N	N	*	Y	Y	Y	N	*	*	Y	*	N
Sieroty (D)	Y	Y	Y	N	N	*	Y	Y	Y	N	Y	Y
Speraw (R)	N	Y	N	Y	Y	Y	N	Y	Y	N	Y	N
Stiern (D)	Y	Y	N	Y	N	Y	N	N	N	Y	N	N
Vuich (D)	Y	Y	N	Y	N	Y	N	N	Y	N	N	Y
Watson (D)	Y	Y	Y	N	N	N	Y	*	N	N	Y	Y

SENATE

AB 1787 (Tanner) — Allows new-car buyers to get refunds if they are stuck with "lemons." Passed, 28-4.

SB 1684 (Sieroty) — Prohibits distribution of free samples of tobacco products. Passed, 21-8.

SB 1458 (Carpenter) — Adds a faculty member to the board of trustees of the California State Universities. Passed, 22-15.

SB 1841 (Speraw) — Prohibits students from attending sex-education classes without written parental permission. Passed, 21-9.

SB 2065 (A. Garcia) — Prohibits performance of abortion after 24 weeks of gestation. Defeated, 18-11.

AB 799 (Robinson) — Cuts cost of Medi-Cal program by $400 million by reducing both services to recipients and fees to providers. Conference report adopted, 27-7.

SB 1741 (Sieroty) — Increases penalty for carrying a loaded firearm in a public place and changes definition of loaded firearm. Defeated, 5-26.

SCA 35 (Ellis) — Proposed constitutional amendment authorizing use of inmate labor by private corporations. Defeated, 13-18.

SB 1325 (Alquist) — Montoya amendment to budget restricting Medi-Cal abortions. Adopted, 20-8 (simple majority required to adopt an amendment).

AB 21 (Vasconcellos) — Budget bill appropriating $25.2 billion for the 1982-83 fiscal year. Conference report adopted, 28-8.

SB 1504 (Presley) — Allows taxpayers to contribute funds to be used for the public financing of campaigns. Passed, 21-14.

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SB 2001 (Mello) — Allows local government to collect special assessments to finance police and fire facilities. Passed, 22-12.

ASSEMBLY

AB 3766 (Sebastiani) — Prohibits schools from allowing students to leave school grounds to obtain abortions without parental consent. Bill sent back to committee, 41-36.

SCA 40 (Robbins) — Proposed constitutional amendment authorizing use of state textbooks by students in private schools. Passed, 59-16.

AB 2800 (M. Waters) — Prohibits employers from refusing to hire pregnant applicants. Passed, 45-22.

AB 3254 (Wray) — Requires employers to grant displaced employees hiring preference at other facilities. Failed, 24-37.

AB 799 (Robinson) — Cuts cost of state Medi-Cal program an estimated $400 million by cutting services to recipients and payments to providers. Conference report adopted, 61-11.

AB 3480 (Robinson) — Establishes contract system of providing health services both under the state Medi-Cal program and under private insurance plans. Passed, 43-15.

AB 21 (Vasconcellos) — Budget bill appropriating $25.2 billion for 1982-83 fiscal year. Passed, 54-24.

SB 1750 (Siercty) — Imposes oil severance tax to provide money for schools. Urgency clause defeated, 41-26 (54 votes required).

AB 2373 (Harris) — Requires that governor's mansion be sold if next governor declines to live in it. Passed, 56-16.

AB 3178 (Alatorre) — Establishes public-financing system for state political campaigns. Passed, 45-30.

AB 3331 (Katz) — Abolishes current agency system of state government and allows governor to establish a new cabinet structure. Passed 47-18.

ASSEMBLY (49D, 31R)	SB 3766	SCA 40	AB 2800	AB 3254	AB 799	AB 3480	AB 21	SB 1750	AB 2373	AB 3178	AB 3331
Agnos (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Alatorre (D)	Y	Y	Y	Y	Y	*	Y	*	Y	Y	N
Baker (R)	N	Y	N	N	N	Y	Y	N	N	N	Y
Bane (D)	Y	N	Y	*	Y	Y	Y	Y	Y	Y	N
Bates (D)	Y	N	*	Y	Y	Y	Y	Y	Y	Y	N
Bergeson (R)	N	Y	*	N	Y	N	N	*	Y	N	Y
Berman (D)	Y	N	Y	Y	Y	Y	Y	*	Y	Y	Y
Bosco (D)	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N
Brown, D. (R)	N	Y	N	N	Y	Y	N	N	Y	N	Y
Brown, W. (D)	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y
Campbell (D)	Y	N	Y	Y	*	Y	Y	*	Y	N	N
Chacon (D)	N	Y	Y	*	Y	N	Y	Y	Y	Y	Y
Cortese (D)	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Costa (D)	*	*	Y	N	Y	Y	Y	N	Y	N	Y
Cramer (D)	Y	Y	Y	*	Y	*	Y	Y	Y	Y	N
Deddeh (D)	N	Y	Y	N	Y	Y	Y	Y	Y	Y	N
Duffy (R)	N	Y	Y	N	*	*	*	N	Y	*	N
Elder (D)	Y	Y	Y	*	Y	*	Y	N	Y	*	Y
Farr (D)	Y	Y	Y	N	Y	*	Y	*	Y	Y	N
Felando (R)	N	Y	N	N	N	N	Y	N	*	Y	N
Filante (R)	N	Y	N	N	N	N	N	Y	N	Y	N
Floyd (D)	Y	N	*	Y	Y	Y	*	*	Y	*	N
Frazee (R)	N	Y	N	N	N	N	N	Y	N	Y	N
Frizzelle (R)	N	Y	N	N	Y	Y	N	Y	N	Y	N
Goggin (D)	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y
Greene (D)	Y	Y	Y	*	*	Y	Y	Y	Y	*	N
Hallett (R)	N	Y	Y	N	*	*	N	*	*	Y	N
Hannigan (D)	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N
Harris (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Hart (D)	Y	N	Y	Y	Y	Y	N	Y	Y	Y	N
Herger (R)	N	Y	N	N	N	Y	N	N	N	N	Y
Hughes (D)	Y	Y	Y	N	*	Y	Y	Y	Y	N	N
Imbrecht (R)	N	Y	Y	*	Y	Y	N	*	Y	*	N
Ingalls (D)	Y	N	Y	N	Y	Y	N	*	N	Y	N
Ivers (R)	N	Y	N	N	N	Y	N	*	N	N	Y
Johnson (R)	N	Y	N	N	Y	Y	*	*	N	*	Y
Johnston (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Kapiloff (D)	Y	Y	Y	Y	Y	Y	Y	*	Y	N	Y
Katz (D)	Y	N	Y	N	Y	Y	Y	Y	Y	Y	N
Kelley (R)	N	Y	N	N	N	N	N	N	N	Y	N
Konnyu (R)	N	Y	*	N	N	Y	N	*	Y	N	Y
LaFolette (R)	N	Y	*	N	Y	N	N	Y	N	N	Y
Lancaster (R)	N	Y	N	N	Y	N	N	N	N	N	Y
Lehman (D)	Y	*	Y	N	Y	Y	Y	*	Y	Y	N
Leonard (R)	N	Y	N	N	Y	Y	Y	N	Y	N	Y
Levine (D)	Y	N	Y	Y	*	Y	Y	Y	Y	Y	Y
Lewis (R)	N	Y	N	N	Y	*	N	Y	N	N	Y
Lockyer (D)	*	Y	Y	Y	N	N	N	Y	Y	Y	Y
Marguth (R)	N	Y	N	N	Y	Y	N	N	Y	N	N
Martinez (D)	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
McAlister (D)	N	Y	*	*	Y	Y	Y	Y	N	N	Y
McCarthy (D)	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y
Moore (D)	Y	N	*	*	N	*	Y	Y	Y	N	N
Moorhead (D)	Y	Y	Y	*	Y	Y	Y	*	Y	Y	N
Mountjoy (R)	N	Y	N	N	*	*	Y	N	N	N	Y
Naylor (R)	N	Y	N	N	*	*	Y	N	N	N	Y
Nolan (R)	N	Y	N	N	*	*	*	N	Y	N	Y
Papan (D)	Y	Y	Y	*	Y	*	Y	Y	N	Y	*
Robinson (D)	Y	N	Y	*	Y	Y	Y	Y	N	*	N
Rogers (R)	N	Y	N	N	Y	*	N	N	*	N	Y
Roos (D)	Y	N	Y	*	Y	Y	Y	Y	Y	Y	Y
Rosenthal (D)	Y	N	Y	Y	Y	Y	Y	Y	Y	*	N
Ryan (R)	Y	Y	*	*	N	N	Y	*	Y	N	Y
Sebastiani (R)	N	Y	N	N	*	*	N	N	N	N	Y
Sher (D)	Y	*	Y	*	Y	Y	Y	Y	Y	Y	Y
Statham (R)	N	Y	N	N	N	N	N	N	Y	N	*
Stirling, D. (R)	N	Y	*	*	Y	*	Y	N	*	Y	N
Stirling, L. (R)	N	N	*	*	N	N	*	N	Y	N	Y
Tanner (D)	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Thurman (D)	Y	Y	*	N	Y	Y	Y	Y	Y	Y	N
Torres (D)	Y	Y	Y	Y	Y	*	Y	*	Y	Y	*
Tucker (D)	Y	Y	Y	Y	Y	N	Y	N	Y	N	*
Vasconcellos (D)	*	Y	*	*	Y	*	Y	*	Y	Y	*
Vicencia (D)	Y	Y	Y	Y	Y	*	Y	*	Y	Y	Y
Waters, M. (D)	Y	N	*	Y	*	*	Y	Y	Y	N	N
Waters, N. (D)	Y	Y	Y	Y	N	N	Y	Y	Y	Y	N
Wray (D)	N	*	Y	Y	Y	Y	Y	Y	Y	Y	*
Wright (R)	N	Y	N	N	Y	Y	N	N	Y	N	Y
Wyman (R)	N	Y	N	N	Y	Y	N	N	N	N	Y
Young (D)	Y	Y	Y	*	Y	N	Y	Y	Y	Y	Y

NOVEMBER LINEUP

Fifteen measures — five initiatives and 10 legislative proposals — will appear on the ballot in November. The lineup:

Legislative proposals

Schools — A proposed $500 million school-construction bond issue.

Veterans — A proposed $450 million Cal-Vet home and farm bond issue.

Jails — A proposed $280 million bond issue for jail construction.

Tahoe — A proposed $85 million bond issue for the purchase of land in the Lake Tahoe area.

Housing — A proposed $200 million bond issue to subsidize mortgages for first-time home buyers.

Pensions — Would expand use of public retirement system funds.

Courts — Would allow counties to streamline their trial courts.

Transfers — Would allow local governments to make temporary transfer of funds.

Fire — Would provide reassessment exemption for properties remodeled for fire-prevention purposes.

Books — Would allow private schools to borrow textbooks from the state.

Initiatives

Reapportionment — Would establish a commission to draw the state's congressional and legislative districts.

Water — Would require more stringent conservation measures among water users.

Deposit — Would require a 5-cent deposit on all beer and soft-drink containers.

Weapons — Would put California on record in favor of a joint United States-Soviet Union halt to production of nuclear weapons.

Guns — Would require registration of handguns and prevent an increase in the number available for sale in California.

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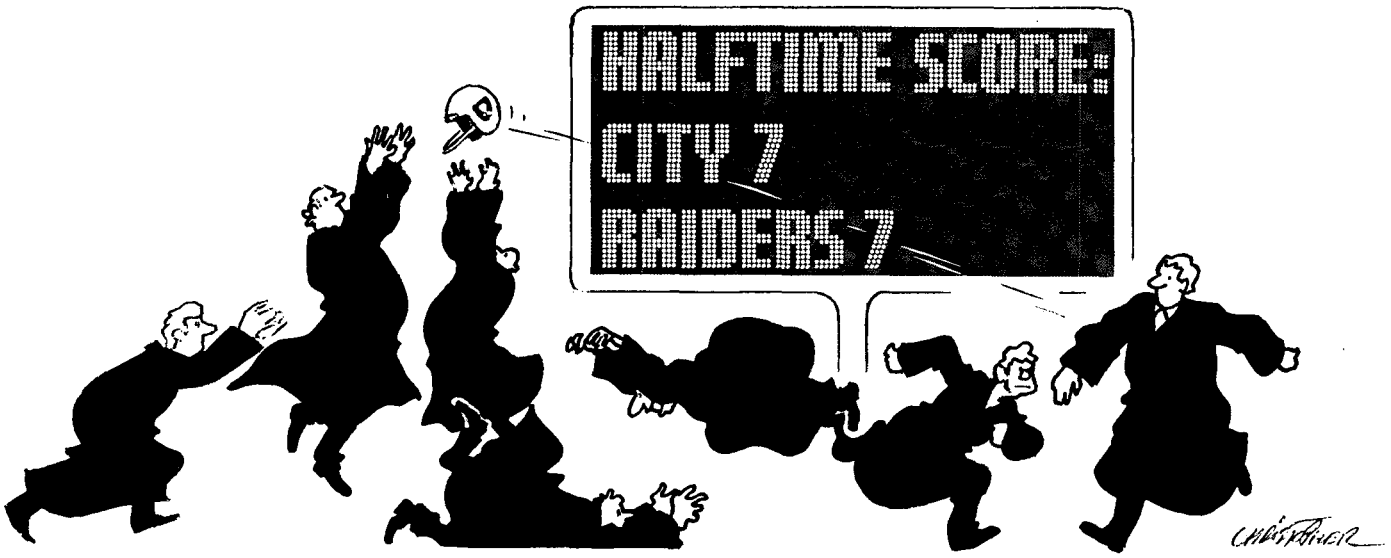

Justice Frank Richardson is generally recognized as the most conservative member of the state Supreme Court. Yet, here is Richardson writing a decision that endorses a socialistic act — government takeover of a private business.

Chief Justice Rose Elizabeth Bird is under fire from the right for being too liberal. Yet, Bird and only Bird protested against a "creeping statism" decision by her colleagues on the high court.

The ingredients were bound to produce a surprising decision. The attempt by the Oakland Raiders of the National Football League to move its operations to Los Angeles has been a bizarre headline story for many months. After two long trials in a Los Angeles federal court, the Raiders won an anti-trust case against the League and seemed on the verge of a move. The City of Oakland's attempt to condemn the team by eminent domain was not taken seriously. Nothing of the sort had ever been done.

But only the naive or foolish in California expect the Supreme Court to do what's expected. Logic would have dictated that most court members, led by Richardson, would have thrown the case out of court, as a judge in Monterey County had done, and that Bird might be the lone dissenter.

As it turned out, the Legislature in 1975 enacted a revision of California's eminent-domain laws that left the court with little choice. Even dissenter Bird said the court action was proper, much as she didn't like it.

The 1975 laws were proposed by the California Law Review Commission and they state that "a city may acquire any property necessary to carry out any of its powers or functions." The commission made it clear that the laws were designed to provide "the broadest possible definition of property."

Richardson and his colleagues said the central issue (to be decided in a trial court) is whether the city's proposal constitutes a valid public use. Then the court proceeded to make its views crystal clear on that point: "If acquiring, erecting, owning and/or operating a sports stadium (like the Oakland Coliseum) is a permissible municipal function, we discern no valid legal reason why owning and operating a sports franchise which fields a team to play in the stadium is not equally permissible."

In effect, the Supreme Court majority implied that the only issue to be decided in the trial court is the price the city must pay Raider managing partner Al Davis and his co-owners, although a jury could determine that ownership of the team was not a valid public use of the eminent-domain laws.

Joining the Richardson majority decision in *City of Oakland* v. *Oakland Raiders Ltd.* were Associate Justices Stanley Mosk, Frank Newman, Otto Kaus and Cruz Reynoso. Appellate Justice Feinberg of San Francisco, sitting on assignment, said he concurred in the decision but also agreed with much of what Chief Justice Bird wrote.

Technically, Bird's opinion is considered both a concurrence and a dissent. Actually, it is more of a protest against the current state of eminent-domain law than a dissent. Bird said the law leaves her no alternative but to join with the majority — and her "dissent" cries out for legislative action.

The chief justice said she did not sign the Richardson opinion because it does not consider the ramifications of the far-reaching decision. She asks: "If a rock concert impresario, after some years of producing rock concerts in a municipal stadium, decides to move his productions to another city, may the city condemn his business, including his contracts with rock stars?" She further questions whether a city may condemn any business that threatens to seek greener pastures elsewhere.

"In my view," she declared, "this court should proceed most cautiously before placing a constitutional imprimatur upon this aspect of creeping statism . . . It strikes me as dangerous and heavy-handed for the government to take over a business . . . for the sole purpose of preventing its relocation."

Attorneys for the city of Oakland say Bird's fears are unfounded because the Raiders' case is unique and will not apply to business in general because of the requirement that a "valid public use" be demonstrated. Bird claims the law weighs very heavily on the side of the city. She wrote that only the Legislature can provide relief to the Raiders "unless it can be shown that the city's decision to use its power of eminent domain in this fashion was completely irrational."

The legal football game between the city and the team probably will not end until many more plays are run. Appeals are pending from the Los Angeles anti-trust trial. The Raiders are threatening to appeal the eminent-domain decision to the nation's highest commissioner, the U.S. Supreme Court. Eventually, a jury in Monterey may decide whether Oakland can buy the team and how many millions of dollars the enterprise is worth.

With the legal score tied, the Raiders are free to move to Los Angeles. But there is now an excellent chance that Oakland will get the team back after the trial ordered in the surprise high-court ruling. E.S.

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Cranston's longest run

Since the beginning of the year, Alan Cranston has traveled to 60 cities in two dozen states to let Democrats know that he's a serious contender for the 1984 presidential nomination. With each passing week, California's senior senator has stepped up the tempo of his campaign efforts. Early claims that he was just testing the waters have been replaced by assurances that an official announcement of Cranston's candidacy is now only a formality. In fact, for the last several months, Cranston has been doing everything that would be expected from a full-fledged presidential candidate at this stage of the game. And more.

CRANSTON IS PIECING together a national organization. He has hired a full-time strategist, Sergio Bendixen, a veteran of Carter and Kennedy presidential campaigns. He's lining up supporters and volunteers in every region of the country. Cranston is busy raising money and plans to campaign for many Democrats in this year's elections. He already has been twice to Iowa, four times to New Hampshire.

All these exertions, however, have yet to produce solid results. While he has received scattered encouragement and some pledges of support, there also have been disappointments and miscalculations. After championing the cause of nuclear disarmament for more than 35 years, Cranston let Senator Kennedy run away with the politically potent nuclear-freeze issue. While Cranston was busy figuring out the finer points of a suitable freeze agreement with the Russians, Kennedy jumped to the head of the parade. Cranston also figured Kennedy would stay out of presidential politics this year because he'd be too busy running for reelection in Massachusetts. Instead, Kennedy quickly swung into high gear for 1984.

It took most of the national media at least six months to recognize Cranston as a presidential hopeful — let alone take him seriously. There was puzzlement among party officials and activists who couldn't understand why Cranston, at 68, would set his sights on the White House. Outwardly, the senator professed to be undisturbed by these skeptical reactions. He quickly caught campaign fever and his enthusiasm about a 1984 run increased steadily. Politicians, like salesmen, tend to be optimists — even when there's not much demand for their wares.

Still, by late spring, the Cranston camp acknowledged that all wasn't going well and something had to be done to overcome the early doldrums. At a minimum, Cranston wanted to position himself as a leading contender behind Kennedy and former Vice President Mondale. From the start, Cranston proceeded on the premise that party support for the two front-runners is fairly thin and that the race for the nomination is wide open. The trick was to show some strength against other "new faces" like Senators Gary Hart of Colorado, John Glenn of Ohio and Ernest Hollings of South Carolina. In the early laps, Cranston was looking for daylight to get a grip on third position. His objective was, and remains, to emerge as the best alternative the party can turn to when Kennedy and Mondale run out of steam.

The Democrats' national mid-term convention in Philadelphia offered Cranston a chance to implement this strategy and he spared no effort or expense. About 100 volunteers, including a dozen of his Senate aides, passed out literature and sought pledges of support. Over a five-day period, Cranston himself held more than 30 one-hour meetings with small groups of delegates, first in his hotel suite and later in a plush trailer adjoining the conference hall. The approach was low-key but straightforward. Cranston, who's at his best in small informal gatherings, came across as an experienced leader who could make sensible decisions to ease international tensions and pull the nation out of its economic slump. California's big delegation threw a special reception for Cranston — a clear signal that he can count on a potent home base in building his national campaign.

But Philadelphia was not a total success. Cranston's opening-day address to the convention fell flat. He spoke to a noisy hall where delegates were far more interested in news bulletins from Washington about the resignation of Secretary of State Alexander Haig. The public-address system malfunctioned. Cranston's speech lacked the zip and punch lines that can electrify a political gathering. He virtually ignored the Equal Rights Amendment — a cause of passionate concern to many feminists at the convention. A high-ranking Iowa party official shook his head after listening to Cranston and said the speech deserved no more than a C grade.

In sharp contrast, the delegates listened with rapt attention to Mondale, who got a rousing reception. Two days later, Kennedy did even better as he brought the convention to its feet with a masterful speech that clearly strengthened his position as the early front-runner. When it was over, there was some consolation for Cranston in the fact that other dark-horse contenders also hadn't set the place on fire. If the conference proved anything, it was that it's strictly a two-way contest between Kennedy and Mondale at this point — with the rest of the pack trailing far behind.

FOR CRANSTON, THERE ALSO WAS a self-inflicted wound in the form of a 10-minute promotion film shown to specifically invited delegates in his trailer. The film depicted Cranston, in jogging clothes, running at a fairly brisk pace. It was an obvious effort to dispel any notion that he's physically over the hill and too old to assume the presidency. But it backfired by accentuating his gaunt and drawn facial features. Some delegates left with the impression that Cranston was trying too hard to deal with questions about his age and the fact that he'd be a year older upon assuming the presidency than Reagan was at the start of his term.

Still, the senator left Philadelphia highly pleased with his efforts to woo key delegates. "I came here fifth and I'm told that I'm leaving third; that's the best place to be," he remarked. A few days later, he was off on another swing through the Northwest. Cranston believes he achieved his main objective in Philadelphia — to gain credibility within the party and to demonstrate organizational skills that will come in handy during the early delegate struggles in Iowa and New Hampshire.

It took Cranston six months to dispel doubts that he's a serious contender for 1984. It may take him another 18 months to find out if he's going anywhere.

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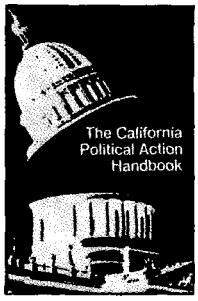
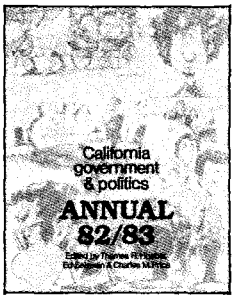
Summer reading suggestions from the California Journal Press

The California Journal Press always has a variety of informative and even entertaining books available at bargain prices. Take a couple along on your vacation this summer to provide emergency relief in those moments when you must get away from the monotony of the mountains or the ocean. The current selection:





For political activists

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The standard resource

California Government and Politics Annual, 1982-83 edition, edited by Thomas R. Hoeber, Ed Salzman and Charles M. Price, the standard resource for university courses in state and local government. The **Annual** is also a valuable tool for individuals seeking an overview of the California system of government and current political issues. The bulk of the book consists of reprints of **California Journal** articles. Price: $5.25 per copy.

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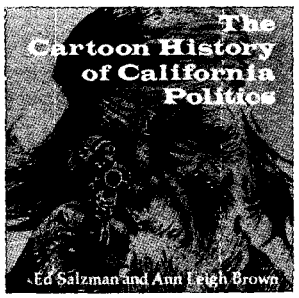

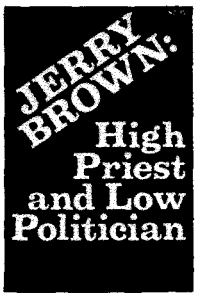

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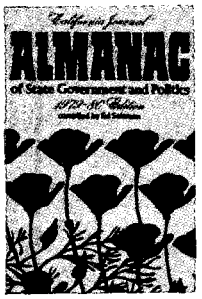

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It is by attempting to reach the top in a single leap that so much misery is caused in the world.

— William Cobbett

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